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JOURNAL

OF THE

Geo H Himes, 1883

CONSTITUTIONAL CONVENTION

OF THE

STATE OF OREGON,

HELD

AT SALEM, COMMENCING AUGUST 17, 1857, TOGETHER WITH THE CONSTITUTION ADOPTED BY THE PEOPLE, NOVEMBER 9, 1857.

SALEM, OREGON:
W. H. BYARS, STATE PRINTER.
1882.

SENATE JOINT RESOLUTION NO. 6.

Resolved by the Senate, the House concurring, That the Secretary of State be, and he is hereby authorized and instructed to have printed 1,000 copies of the Journal of the Constitutional Convention of the State of Oregon, and that he be directed to forward one copy thereof to each of the Supreme and Circuit Judges of this State, one copy to each member of the present Legislative Assembly, and one copy to each member of the Constitutional Convention. That the remaining copies shall be and remain in his custody for the use and benefit of the State.

Adopted by the Senate, September 23, 1882.

W. J. McCONNELL,
President of the Senate.

House concurred in September 25, 1882.

GEO. W. McBRIDE,
Speaker of the House.

2703

CONSTITUTIONAL CONVENTION.

In pursuance of an Act of the Legislative Assembly of Oregon Territory passed December 12, 1856, an Act authorizing a convention to be held to form a Constitution for Oregon.

The delegates elect assembled in the Court House in Salem, Marion county, on Monday, the 17th day of August, A. D. 1857.

On motion of Mr. Deady, A. L. Lovejoy was elected President *pro tem.*

On motion of Mr. Grover, Chester N. Terry was elected Secretary *pro tem.*

On motion of Mr. Boise, a committee of five was appointed to examine the credentials of delegates.

The President *pro tem.* appointed as said committee, Messrs. Boise, Reed, Applegate, Elkins and Dryer.

Mr. Kelly offered the following resolution which was adopted:

Resolved, That on to-morrow the convention proceed to elect, *viva voce*, a President, a Secretary and Assistant Secretary, a Sergeant-at-Arms, a Door-keeper and a Printer.

On motion of Mr. Williams, a committee of three was appointed to allot seats to the delegates.

The President *pro tem.* appointed as said committee, Messrs. Williams, Kelly and Bristow.

On motion of Mr. Kelly, the convention adjourned until to-morrow at 10 o'clock, A. M.

TUESDAY, AUGUST 18, 1857.

10 o'clock A. M.

The convention met pursuant to adjournment.

The journal of yesterday was read, corrected and approved.

The committee on credentials made the following report:

List of delegates elected to frame a Constitution for Oregon, at an election held on the first Monday in June, 1857:

From the county of Columbia—John W. Watts.

From Coos county—F. G. Lockhart, contested by Perry B. Marple.

From Josephine county—S. B. Hendershott and W. H. Watkins.
From Curry county—Wm. H. Packwood.
From Clatsop county—Cyrus Olney.
From Wasco county—C. R. Meigs.
From Washington county—E. D. Shattuck, John S. White and Levi Anderson.
From Multnomah and Washington—Thomas J. Dryer.
From Multnomah county—S. J. McCormick, Wm. H. Farrar and David Logan.
From Clackamas county—J. K. Kelly, A. L. Lovejoy, Wm. A. Starkweather, Hector Campbell and Nathaniel Robbins.
From Yamhill county—M. Olds, R. V. Short, R. C. Kinney and J. R. McBride.
From Polk county—Reuben P. Boise, Benj. F. Burch and F. Waymire.
From Polk and Tillamook—A. D. Babcock.
From Jackson county—L. J. C. Duncan, John H. Reed, Daniel Newcomb and P. P. Prim.
From Benton county—Henry B. Nichols, Wm. Matzger, Haman C. Lewis and John Kelsey.
From Umpqua county—Jesse Applegate and Levi Scott.
From Douglas county—Matthew P. Deady, Stephen F. Chadwick, Solomon Fitzhugh and Thomas Whitted.
From Linn county—Delazon Smith, Luther Elkins, Reuben S. Coyle, John T. Crooks, James Shields and I. H. Brattain.
From Marion county—L. F. Grover, Geo. H. Williams, Nicholas Shrum, Richard Miller, Davis Shannon, Joseph Cox and John C. Peebles.
From Lane county—Paul Brattain, I. R. Moores, A. J. Campbell, Jesse Cox, W. W. Bristow and E. Hoult.

Your committee on credentials having examined the above list, report the same as a correct list of the members elected to this convention and respectfully submit the same.

R. P. BOISE,
Chairman.

On motion of Mr. Grover, the report of the committee on credentials was received.

Mr. Kelsey offered the following resolution:

Resolved, That the members elect of this convention be, and they are hereby required severally to take an oath to support the Constitution of the United States, and faithfully discharge their duties as delegates to this convention.

On motion of Mr. Smith, the resolution was laid on the table.

On motion of Mr. Smith, the report of the committee on credentials was adopted.

On motion of Mr. Smith, the convention proceeded, *viva voce*, to the election of President.

Mr. Smith put in nomination M. P. Deady.

Mr. Lewis put in nomination Martin Olds.

The following members voted for M. P. Deady:

Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kelsey, Kelly, Lovejoy, Miller, McCormick, Meigs, Newcomb, Olney, Peebles, Prim, Packwood, Reed, Robbins, Shannon, Smith, Shrum, Shields, Waymire, Williams and Whitted—39.

The following members voted for Martin Olds:

Messrs. Anderson, Applegate, Dryer, Kinney, Lewis, Logan, Matzger, McBride, Nichols, Short, Shattuck, Scott, White, Watkins and Watts—15.

The following members voted blank:

Messrs. Deady, Lockhart, Moores and Olds—4.

The whole number of votes cast were 58.

M. P. Deady, having received a majority of all the votes cast, was declared duly elected President of the convention.

The President *pro tem.* appointed Messrs. Grover and Boise as a committee to conduct the President elect to the chair.

The President elect having been conducted to the chair by the committee, addressed the convention as follows:

Gentlemen of the Convention—Permit me to congratulate you upon the prompt and harmonious organization of the convention. I trust that this may prove an earnest, that our labors here will redound to the future prosperity and honor of the future State of Oregon. To this end it shall be my constant aim to perform the duties of the position with which you have honored me faithfully, fearlessly and impartially.

On motion of Mr. Olney, the convention proceeded to the election of Secretary.

Mr. Waymire put in nomination Chester N. Terry.

The following members voted for Chester N. Terry:

Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kelsey, Kelly, Lewis, Lovejoy, Miller, McCormick, Meigs, Newcomb, Olney, Peebles, Prim, Packwood, Reed, Robbins, Short, Shannon, Smith, Shrum, Shields, Scott, Waymire, Williams, Watts, Whitted and Mr. President—44.

The following members voted blank:

Messrs. Anderson, Applegate, Dryer, Kinney, Logan, Lockhart, Moores, McBride, Nichols, Olds, Shattuck, White and Watkins—13.

The whole number of votes cast were 57.

Chester N. Terry, having received a majority of all the votes cast, was declared duly elected Secretary.

On motion of Mr. Bristow, the convention proceeded to the election of Assistant Secretary.

Mr. Bristow put in nomination M. C. Barkwell.

The following members voted for M. C. Barkwell:

Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Kelly, Lovejoy, Miller, Moores, McCormick, Meigs, Newcomb, Olney, Peebles, Prim, Packwood, Reed, Robbins, Short, Shannon, Smith, Shrum, Shields, Williams, Whitted and Mr. President—40.

The following members voted blank:

Messrs. Anderson, Dryer, Kinney, Lewis, Logan, Lockhart, Matzger, McBride, Nichols, Olds, Shattuck, Scott, White, Watts and Watkins—15.

The whole number of votes cast were 55.

M. C. Barkwell, having received a majority of all the votes cast, was declared duly elected Assistant Secretary.

On motion of Mr. Grover, the convention proceeded to the election of Sergeant-at-Arms.

Mr. Grover put in nomination John Baker.

The following members voted for John Baker:

Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Kelly, Lovejoy, Miller, Moores, McCormick, Meigs, Newcomb, Olney, Peebles, Prim, Packwood, Reed, Robbins, Shannon, Smith, Shrum, Shields, Starkweather, Waymire, Williams, Whitted and Mr. President—41.

The following members voted blank:

Messrs. Anderson, Dryer, Kinney, Lewis, Logan, Matzger, McBride, Nichols, Olds, Short, Shattuck, White and Watkins—13.

The whole number of votes cast were 54.

John Baker, having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms.

On motion of Mr. Williams, the convention proceeded to election of Printer.

Mr. Chadwick put in nomination Asahel Bush.

The following members voted for Asahel Bush:

Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Kelly, Lovejoy, Miller, McCormick, Meigs, New-

comb, Olney, Peebles, Prim, Packwood, Robbins, Short, Shannon, Smith, Shrum, Shields, Starkweather, Waymire, Williams, Whitted and Mr. President—40.

The following members voted for A. Leland:

Messrs. Kinney and Lewis—2.

The following members voted blank:

Messrs. Anderson, Dryer, Logan, Lockhart, Moores, Matzger, McBride, Nichols, Olds, Shattuck, Scott, White and Watkins—13.

The whole number of votes cast were 55.

Asahel Bush, having received a majority of all the votes cast, was declared duly elected Printer.

On motion of Mr. Olney, the convention proceeded to the election of Door-keeper.

Mr. Williams put in nomination John Baker.

Mr. Logan put in nomination Washington Barker.

The following members voted for John Baker:

Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Kelly, Lovejoy, Miller, Moores, McCormick, Meigs, Newcomb, Olney, Peebles, Prim, Packwood, Robbins, Shannon, Smith, Shrum, Shields, Starkweather, Waymire, Williams, Whitted and Mr. President—40.

The following members voted for Washington Barker:

Messrs. Anderson, Kinney, Lewis, Logan, Matzger, McBride, Nichols, Olds, Short, Shattuck, White, Watts and Watkins—13.

The following members voted blank:

Messrs. Dryer, Lockhart and Scott—3.

The whole number of votes cast were 56.

John Baker, having received a majority of all the votes cast, was declared duly elected Door-keeper.

On motion of Mr. Grover,

Resolved, That a committee of five be appointed to report rules and regulations for this convention; which was adopted.

On motion of Mr. Smith, the rules and of the House of Representatives of Oregon was adopted until rules are reported from the committee and adopted.

Mr. Williams offered the following resolution:

Resolved, That the Secretary be instructed to provide the convention with stationery, to be purchased at the public expense, of Messrs. Moores of this city.

Mr. Logan moved to amend by striking out of said resolution all after the word "expense," and add "on the best terms he can make."

The resolution as amended was adopted.

On motion of Mr. Waymire, the resolution in regard to the delegates taking an oath, was taken from the table.

The question being, Shall the resolution pass?

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Bristow, Kelsey, Logan, Lockhart, Short, Waymire and Mr. President—7.

Nays—Messrs. Applegate, Anderson, Brattain of Linn, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Dryer, Elkins, Fitzhugh, Farrar, Grover, Hendershott, Kinney, Kelly, Lewis, Lovejoy, Miller, Moores, Matzger, McBride, McCormick, Meigs, Nichols, Newcomb, Olds, Olney, Peebles, Prim, Packwood, Reed, Robbins, Shannon, Smith, Shrum, Shields, Shattuck, Scott, Starkweather, Williams, White, Watts, Watkins and Whitted—51.

So the resolution was decided in the negative.

On motion of Mr. Dryer,

Resolved, That the representatives of the Oregon press be invited to take seats within the bar; which was adopted.

Mr. Reed offered the following resolution:

Resolved, That no member of this convention be allowed to speak oftener than twice on any one subject, and not longer than fifteen minutes at any one time.

On motion of Mr. Kelly, the resolution was laid on the table.

Mr. Williams offered the following resolution:

Resolved, That standing committees of five be appointed by the President upon the following subjects:

Legislative Department.
Judicial Department.
Executive Department.
Corporations.
Education.
Boundaries.
Election.
Militia.
Expenses of the convention.

Mr. Smith moved to amend by adding a committee on Bills of Rights.

On motion of Mr. Dryer, the resolution and amendment was laid on the table.

On motion of Mr. Dryer, the convention adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

2 o'clock, p. m.

The convention met pursuant to adjournment.

The President appointed Messrs. Grover, Williams, Kelly, Logan and Olney as a Committee on Rules and Regulations.

On motion of Mr. Kelly, that the resolutions in regard to limitation of members to fifteen minutes was referred to the Committee on Rules and Regulations.

Mr. Applegate offered the following resolution:

Whereas, A large proportion of the delegates to this convention have been chosen by the people with the expressed or implied understanding that the question of slavery would not be decided for them by this body, but submitted to them in such a manner as to enable them to vote upon it as a distinct issue; therefore,

Resolved (1st), The discussion of the subject of slavery by this body is out of place and uncalled for, and only calculated to engender bitter feelings among the members of this body, destroy its harmony, retard its business and unnecessarily prolong its session.

2d. That the committee whose duty it shall be to draft rules for this convention be instructed to declare all debate upon the subject of slavery, either as an abstract proposition or as a mere matter of policy, out of order.

Mr. Olney moved that the resolutions be referred to the Committee on Rules and Regulations. Pending which, on motion of Mr. Grover, the convention adjourned until to-morrow at 10 o'clock A. M.

WEDNESDAY, AUGUST 19, 1857.

10 o'clock A. M.

The convention met pursuant to adjournment.

The journal of yesterday was read and approved.

The Committee on Rules and Regulations made the following report:

RULES AND ORDERS OF THE CONSTITUTIONAL CONVENTION.

Rule 1. The President shall take the chair every day precisely at the hour to which the convention shall have adjourned on the preceding day. He shall immediately call the members to order, and on the appearance of a majority of the members, shall cause the journal of the preceding day to be read, and proceed to business.

Rule 2. Fourteen members with the President, or eighteen mem-

bers in his absence, having chosen a President *pro tem.*, shall be authorized to call the convention and compel the attendance of absent members.

RULE 3. The President shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the convention by any two members, on which appeal no member shall speak more than once, unless by leave of the convention.

RULE 4. The President shall rise to put a question, but may state it sitting.

RULE 5. Questions shall be directly put in this form, to wit: "As many as are of opinion that (as the question may be) say, 'Aye';" and after the affirmative voice is expressed, "As many as are of the contrary opinion say, 'No.'" If the President doubt, or a division is called for, the convention shall divide—those in the affirmative of the question shall first rise from their seats, and the number being announced, those in the negative shall rise.

RULE 6. The President shall have a general direction of the hall and lobby; he shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. He shall appoint all committees, but the convention may add other members upon motion.

RULE 7. The President shall vote when the ayes and noes are called, his name being called last; and in case of an equal division, the question shall be lost; and upon all other questions where the convention is equally divided, he shall give the casting vote; or where his vote would make an equal division, he shall vote upon the call of any member, and in case of such division, the question shall be lost.

RULE 8. There shall be ten standing committees, to consist of seven members each, as follows:

A committee on the Legislative Department,
A committee on the Executive Department,
A committee on the Judicial Department,
A committee on Military Affairs,
A committee on Education and School Lands,
A committee on Seat of Government and Public Buildings,
A committee on Corporation and Internal Improvements,
A committee on Boundaries,
A committee on Suffrages and Elections,
A committee on the Expenses of the Convention.

RULE 9. No committee shall sit during the sitting of the convention without special leave, and all writs, warrants and subpœnas issued by order of the convention shall be under the hand and seal of the President, attested by the Secretary.

RULE 10. All questions relating to the priority of business shall be decided without debate.

RULE 11. After the journals are read, business shall be disposed of in the following order:

1. Petitions, memorials and remonstrances.
2. Reports from standing committees.
3. Reports from select committees.
4. Propositions and motions.
5. Second reading of articles on second reading.
6. Articles on third reading.
7. Business lying on the table.
8. Other business of the convention.
9. Special orders of the day.

RULE 12. The President shall upon each day announce to the convention the business in order, agreeably to the preceding rule, and no business shall be taken up or considered until the class to which it belongs shall be declared to be in order.

RULE 13. When any member is about to speak in debate, or deliver any matter to the convention, he shall rise from his seat and respectfully address himself to Mr. President, and shall confine himself to the question under debate and avoid personalities; and no member shall impeach the motive of any other member's vote or argument.

RULE 14. If any member, in speaking or otherwise, transgress the rules of the convention, the President shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and the convention shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the convention

RULE 15. If any member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Secretary's table; and no member shall be held to answer or be subject to the censure of the convention for words spoken in debate if any other member has spoken or other business has intervened after the words are spoken and before exception to them shall have been taken.

RULE 16. When two or [more] members happen to rise at once, the President shall name who is the first to speak.

RULE 17. No member shall speak more than twice to the same question without leave of the convention, nor more than once until every member choosing to speak shall have spoken, nor more than forty minutes at one time.

RULE 18. While the President is putting the question or addressing

the convention, no member shall walk across or out of the hall, nor when a member is speaking shall entertain private discourse or pass between him and the chair.

RULE 19. No member shall vote on any question in any case when he is not within the bar of the convention when the question was put; and when any member shall ask leave to vote, the President shall propound to him the question, "Were you within the bar when your name was called?"

RULE 20. No member shall be permitted to record his vote on either side of any question unless he was present in the hall at the time such question was put unless by unanimous consent of the convention.

RULE 21. Upon a division and count of the convention on any question no member without the bar shall be counted.

RULE 22. Every member who shall be in the hall when the question was put shall give his vote, unless the convention for special reasons shall excuse him. All motions to excuse a member from voting shall be made before the convention decides, or before the call of the yeas and nays is commenced, and any member requesting to be excused from voting may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

RULE 23. When any motion is made and seconded, it shall be stated by the President, or being in writing, it shall be handed to the chair and read aloud before debated.

RULE 24. Every motion shall be reduced to writing if the President or a member desire it.

RULE 25. After a motion is stated by the President and read, it shall be deemed to be in possession of the convention, but may be withdrawn at any time before decision or amendment.

RULE 26. When a question is under debate, no motion shall be received but to adjourn, to lie upon the table, for the previous question, to postpone indefinitely, to postpone to a day certain, to commit or amend, which several motions shall have precedence in the order in which they [are] arranged; and no motion to postpone to a day certain, to commit, or postpone indefinitely, being decided, shall be again allowed on the same day and at the same stage of the article or proposition.

RULE 27. When a question is postponed indefinitely the same shall not be acted upon again during the session.

RULE 28. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and, until it is decided, shall preclude all amendment and further debate of the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the convention shall be in order; but

after a majority shall have seconded such motions, no call shall be in order prior to the decision of the main question.

RULE 29. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question and pending such motion shall be decided, whether on appeal or otherwise, without debate.

RULE 30. Motions and reports may be committed at the pleasure of the convention.

RULE 31. Any member may call for the division of a question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the convention. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert.

RULE 32. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

RULE 33 When a motion has once been made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for a reconsideration thereof on the same or any other day during the session.

RULE 34. When the reading of a paper is called for, if any objections are made, it shall be decided by a vote of the convention.

RULE 35. The unfinished business at the preceding adjournment shall have the preference in the order of the day, and no motion or any other business shall be received, without special leave of the convention, until the former is disposed of.

RULE 36. Every article to be inserted in the Constitution shall have three several readings before it shall be adopted, and the last two readings shall not be on the same day.

RULE 37. First reading of an article shall be for information only, except those from individual members, which may be referred at any time. But if, on the first reading of an article, objection be made, the question shall be, "Shall this article be rejected?" If no opposition be made, or the question to reject be negative, the article shall go for its second reading without a question.

RULE 38. Upon the second reading of an article the President shall state it is for commitment or engrossment; and if committed, then the question shall be whether to a select or standing committee, or to a committee of the whole; but if the article be ordered to be engrossed, the convention shall appoint the day when it shall be read a third time.

RULE 39. After commitment and report, or at any time before its passage, an article may be recommitted.

RULE 40. In the committee of the whole the article shall be read throughout by the Secretary, and then again read and debated by

clauses. The body of the article shall not be defaced or interlined, but all amendments (noting the page and line) shall be duly entered by the Secretary on a separate paper, as the same shall be agreed to by the committee, and so reported to the convention. After report, the article shall again be subjected to be debated and amended by clauses before a question to engross it be taken.

RULE 41. All questions, whether in committee or in the convention, shall be propounded in the order which they are moved, except that in filling up blanks the largest sum and the longest time shall be first put.

RULE 42. The rules of proceeding in the convention shall be observable in a committee of the whole, so far as they may be applicable, but no member shall speak twice to any question until every member choosing to speak shall have spoken.

RULE 43. No standing rule or order shall be rescinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended, except by a vote of at least two-thirds of the members present, nor shall the order of business established by the rules, be postponed or changed, except by a vote of at least two-thirds of the members present.

RULE 44. No member shall absent himself unless he shall have leave, or be sick and unable to attend.

RULE 45. No person shall be allowed to smoke in the hall or lobby while the convention is in session.

Mr. Smith moved to amend Rule 17, by striking out the words "nor more than forty minutes."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Boise, Campbell of Clackamas, Dryer, Kelsey, Logan, Lockhart, Miller, McBride, Meigs, Olney, Short, Smith, Shattuck, White, Watts and Watkins—17.

Nays—Messrs. Applegate, Brattain of Linn, Bristow, Brattain of Lane, Babcock, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Chadwick, Elkins, Farrar, Grover, Hoult, Hendershott, Kinney, Kelly, Lewis, Moores, Matzger, McCormick, Nichols, Newcomb, Olds, Prim, Packwood, Reed, Robbins, Shannon, Shrum, Shields, Scott, Starkweather, Waymire, Williams, Whitted and Mr. President—39.

So the amendment was decided in the negative.

Mr. Olney offered the following amendment to Rule 17, by adding to the end of the rule the words, "Except upon articles or clauses to be inserted in the Constitution upon their final passage;" which was adopted.

On motion, the convention adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

2 o'clock P. M.

The convention met pursuant to adjournment.

Mr. Smith offered the following amendment to Rule 8, by adding to said rule the words, "A Committee on Bill of Rights;" which was adopted.

Mr. Kelly offered the following amendment to Rule 8, by adding to said Rule the words, "And each committee having reported articles to the convention shall examine the same after engrossment, and if found correct, report such articles as truly engrossed;" which was adopted.

The question being upon the adoption of the report of the Committee on Rules and Regulations; which was adopted.

Mr. Grover offered the following resolution, which was adopted:

Resolved, That one hundred and fifty copies of the rules of the convention, together with the names of the delegates, and the names of the counties or districts from which the several delegates are returned, be printed for the use of the convention.

Mr. Smith offered the following resolution, which was adopted:

Resolved, That a committee of three be appointed by the President of this convention, whose duty it shall be to confer with one or more competent reporters upon the subject of reporting the debates and proceedings of this body; said reporter or reporters engaging their services upon the faith of a future appropriation by either Congress, or the Territorial or State Legislature to liquidate the expenses of this convention, and reporting to this convention the result of such conference.

The President appointed as such committee, Messrs. Smith, Logan and Hendershott.

On motion of Mr. Kelly, the resolution in relation to standing committees was indefinitely postponed.

On motion of Mr. Olney, the resolution in relation to the discussion of the slavery question was indefinitely postponed.

On motion of Mr. Bristow, the contested seat from Coos county was referred to a committee of five.

The President appointed as such committee, Messrs. Bristow, Boise, Prim, Shattuck and Whitted.

On motion of Mr. Smith, the convention adjourned until to-morrow at 10 o'clock A. M.

THURSDAY, AUGUST 20, 1857.

10 o'clock, A. M.

The convention met pursuant to adjournment.

The journal of yesterday was read, corrected and approved.

The President announced the following standing committees:

STANDING COMMITTEES.

Committee on Legislative Department—Messrs. Boise, Smith, Lovejoy, Babcock, Chadwick, Watkins and Elkins.

Committee on Executive Department—Messrs. Kelly, Farrar, Reed, Kelsey, Brattain of Lane, Dryer and McBride.

Committee on Judicial Department—Messrs. Williams, Olney, Boise, Kelly, Grover, Logan and Prim.

Committee on Military Affairs—Messrs. Kelsey, Whitted, Burch, Moores, Scott, Coyle and Matzger.

Committee on Education and School Lands—Messrs. Peebles, Boise, Marple, Shattuck, Starkweather, Kinney and Robbins.

Committee on Seat of Government and Public Buildings—Messrs. Boise, Prim, Campbell of Lane, Lewis, Olney, Chadwick and Shannon.

Committee on Corporations and Internal Improvements—Messrs. Meigs, Williams, Elkins, Hendershott, Campbell of Clackamas, Bristow and Miller.

Committee on Boundaries—Messrs. Lovejoy, Meigs, Olney, Newcomb, Applegate, Anderson and Watts.

Committee on Suffrages and Elections—Messrs. Smith, Babcock, Brattain of Linn, Cox of Marion, Dryer, Olds and White.

Committee on Expenses of Convention—Messrs. McCormick, Shields, Cox of Lane, Hoult, Short, Nichols and Packwood.

Committee on Bill of Rights—Messrs. Grover, Reed, Waymire, McCormick, Crooks, Shrum and Fitzhugh.

Mr. Grover offered the following resolution, which was adopted:

Resolved, That the standing committees as announced by the President be printed, as an appendix to the rules heretofore ordered to be printed.

On motion of Mr, Olney, that when this convention adjourns, it will adjourn until two o'clock this afternoon, and meet from day to day at two o'clock until otherwise ordered.

Mr. Shattuck moved, to strike out of said motion all after the word "afternoon;" which was adopted.

The motion as amended was adopted.

On motion, the convention adjourned.

AFTERNOON SESSION.

2 O'CLOCK P. M.

The convention met pursuant to adjournment.

The committee to whom was referred the contested seat from Coos county made the following

REPORT:

The committee to whom was referred a case of contested election for seats in this convention between F. G. Lockhart and P. B. Marple report that they have had the same under consideration, and beg leave to submit the following facts: When the votes of Coos county were canvassed, the votes of one precinct, called Johnson's Diggins, were rejected on the ground that there was no such precinct established in said county It appears from the testimony that election notices were sent and posted advertising the holding of an election in such precinct; that no judges were appointed for such precinct by the County Commissioners, or any precinct or place of voting fixed by such Commissioners, in the manner prescribed by law, the only evidence of the establishing of a precinct being the verbal directions of the Commissioners (when not in session) to the Auditor to send election notices to said precinct. It also appears from the testimony that F. G. Lockhart was the Auditor of the county and canvassed the votes; that if the votes of this precinct are counted, Marple has a majority of the votes, and would be entitled to the seat. It does not appear from the return from said precinct by whom the judges of election were sworn, and this point is insisted on by Lockhart as justifying the rejection of the vote of said precinct. The questions involved in this issue are, in the judgment of the committee, questions of law, and depend on the construction of the statute, and these questions are:

1st. Whether, from the facts stated, there appears to have been a place of voting at Johnson's Diggins.

2d. Whether, provided there was a legally established place of voting at that place, it sufficiently appears by whom the judges and clerks were sworn.

And your committee decline expressing an opinion on these facts, and submit the same to the consideration of the convention.

W. W. BRISTOW,
Chairman.

On motion of Mr. Dryer, the report of the committee was received and the committee discharged.

On motion of Mr. Dryer, the contestants were invited within the bar.

On motion of Mr. Grover,

Resolved, That F. G. Lockhart, the sitting member, is entitled to his seat.

Mr. Bristow moved the previous question, the question being, "Shall the main question be now put?" which was decided in the affirmative.

The question recurring upon the adoption of the resolution, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Bristow, Brattain of Lane, Babcock, Boise,

Dryer, Grover, Hoult, Kelley, Logan, McBride, Nichols, Olds, Olney, Prim, Packwood, Short, Smith, Shattuck, Scott, Starkweather, Waymire, White and Watkins—24.

Nays—Messrs. Applegate, Brattain of Linn, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Elkins, Fitzhugh, Farrar, Hendershott, Kelsey, Kinney, Lewis, Miller, Moores, Matzger, McCormick, Meigs, Newcomb, Reed, Robbins, Shannon, Shrum, Shields, Williams, Watts and Whitted—30.

The President was excused from voting.

So the resolution was decided in the negative.

Mr. Watts offered the following resolution:

Resolved, That when this convention adjourns it will be till nine o'clock A. M., and when it takes a recess it will be till two o'clock P. M.

Pending which, on motion, the convention adjourned until to-morrow at 9 o'clock A. M.

FRIDAY, AUGUST 21, 1857.

9 O'CLOCK, A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Applegate, Brattain of Linn, Burch, Chadwick, Dryer, Meigs, Peebles and Starkweather.

The journal of yesterday was read and approved.

Mr. Campbell of Clackamas offered the following resolution:

Resolved, That this convention do now take into consideration the propriety of employing a chaplain to officiate during the remainder of its session.

The question being upon the adoption of resolution, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Campbell of Clackamas, Farrar, Hendershott, Kelsey, Kinney, Kelly, Logan, Moores, Matzger, McBride, Nichols, Newcomb, Olds, Packwood, Short, Shattuck, White, Watts and Watkins—19.

Nays—Messrs. Applegate, Anderson, Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Lane, Campbell of Lane, Chadwick, Elkins, Fitzhugh, Grover, Hoult, Lewis, Miller, McCormick, Meigs, Olney, Prim, Reed, Robbins, Shannon, Smith, Shrum, Shields, Scott, Waymire, Williams, Whitted and Mr. President—35.

So the resolution was decided in the negative.

Mr. Whitted offered the following resolution:

Resolved, That Marple be entitled to a seat upon this floor as delegate from Coos county.

Mr. Logan called for the reading of the evidence in the contested case.

Mr. Olney objected.

The question being taken, "Shall the evidence be read in said case?" which was decided in the negative.

Mr. Olney moved to amend the resolution by inserting the letters "P." "B." before the word "Marple," and strike out the word "entitled" and insert "admitted"; which amendment was adopted.

The question being upon the adoption of the resolution as amended, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Applegate, Anderson, Brattain of Linn, Bristow, Brattain of Lane, Babcock, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kelsey, Kinney, Kelly, Lewis, Miller, Moores, Matzger, McCormick, Meigs, Newcomb, Olds, Olney, Reed, Robbins, Short, Shannon, Shrum, Shields, Starkweather, Williams, Watts and Whitted—42.

Nays—Messrs. Boise, Logan, McBride, Nichols, Prim, Packwood, Smith, Shattuck, Scott, Waymire, White and Watkins—12.

The President was excused from voting.

So the resolution was decided in the affirmative.

Mr. Grover moved to insert the name of Marple wherever the name of Lockhart appears upon the list of standing committees; which was adopted.

On motion of Mr. Smith, the convention adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

The convention met pursuant to adjournment.

The Committee on Boundaries made a report.

The article on boundaries was read a first time and passed to a second reading.

Mr. Smith moved that the article on boundaries be separated from the report or reasons of the committee, which was adopted.

On motion of Mr. Smith, the report or reasons of the committee as separated was laid on the table.

The Committee on Militia made a report.

The article on militia was read a first time and passed to a second reading.

On motion of Mr. Watts, the resolution in regard to adjournments was taken up.

On motion of Mr. Kelly, the word "nine" was stricken out of said resolution and the word "ten" inserted.

On motion of Mr. Logan, the resolution as amended was adopted.

Mr. Grover offered the following resolution, which was adopted:

Resolved, That one hundred and fifty copies of all articles and propositions reported by any committee or introduced by any member, intended to become a substantial part of the Constitution, shall be printed forthwith after the first reading, and other matter only when ordered by the convention.

On motion of Mr. Smith, the convention adjourned.

SATURDAY, AUGUST 22, 1857.

10 o'clock, A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Babcock, Dryer, Duncan, Lewis, McCormick. Peebles, Shattuck and Watkins.

Journal of yesterday was read and approved.

The Committee on Judicial Department made a report.

The article or judicial department was read a first time and passed to second reading.

The Committee on Bill of Rights made a report.

The article on bill of rights was read a first time and passed to a second reading.

Mr. Cox of Lane offered the following resolution, which was adopted:

Resolved, That this convention recommend that F. G. Lockhart, who was returned as a delegate to this body from Coos County, be entitled to the same pay for mileage and per diem allowance until the 21st day of August 1857, as other delegates to this convention.

On motion of Mr. Grover, that the Secretary be instructed to furnish the Committee on Expenses of Convention a copy of said resolution, tion, which was adopted.

On motion of Mr. Kelley, that the subject matter of the schedule be referred to the Committee on Judicial Departmet.

Mr. Logan moved to amend said motion by striking out the words "Committee on Judicial Department," and insert the words "A special committee of seven."

The question being upon the adoption of the amendment, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Applegate, Anderson, Coyle, Elkins, Farrar, Grover, Kelsey, Kinney, Logan, Matzger, McBride, Meigs, Nichols, Newcomb, Olds, Packwood, Robbins, Short, Scott; Waymire, White, Watts and Watkins—23.

Nays—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Boise, Burch, Cox of Marion, Crooks, Cox of Lane, Campbell of Lane, Camp-

bell of Clackamas, Chadwick, Fitzhugh, Hoult, Hendershott, Kelly, Miller, Moores, Marple, Olney, Prim, Reed, Shannon, Smith, Shrum, Shields, Starkweather, Williams, Whitted and Mr. President—29.

So the motion to amend was decided in the negative.

Mr. Logan moved to lay upon the table the motion of Mr. Kelly.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Applegate, Anderson, Bristow, Farrar, Kinney, Logan, McBride, Newcomb, Olds, Packwood, Robbins, Short, Scott, Watts and Watkins—15.

Nays—Messrs. Brattain of Linn, Brattain of Lane, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Kelly, Miller, Moores, Matzger, Meigs, Marple, Nichols, Olney, Prim, Reed, Shannon, Smith, Shrum, Shields, Starkweather, Waymire, Williams, White, Whitted and Mr. President—37.

So the motion was decided in the negative.

Mr. Olney moved to amend said resolution by excepting the subject of slavery and apportionment.

Mr. Grover moved to amend the amendment to said resolution by striking out all after the word resolved, and insert the following: That a select committee of nine be appointed to take into consideration the schedule of the constitution and to report thereon.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Applegate, Anderson, Brattain of Linn, Bristow, Brattain of Lane, Boise, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kelsey, Kinney, Logan, Moores, Matzger, McBride, Meigs, Newcomb, Olds, Olney, Packwood, Reed, Robbins, Short, Shannon, Smith, Shrum, Shields, Scott, Starkweather, Waymire, Williams, White, Watts, Watkins and Whitted—45.

Nays—Messrs. Kelly, Miller and Mr. President—3.

So the motion to amend was decided in the affirmative.

Mr. Logan moved to amend by striking out the word "nine" in said resolution and insert in lieu thereof the word "seven;" which was decided in the negative.

Mr. Logan moved to amend by striking out the word "nine" in said resolution, and insert in lieu thereof "one delegate from each county."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Applegate, Anderson, Brattain of Lane, Burch, Farrar, Hendershott, Kelsey, Kinney, Logan, McBride, Nichols, Newcomb, Olds, Packwood, Short, Scott, White and Watkins—18.

Nays—Messrs. Brattain of Linn, Bristow, Boise, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Grover, Hoult, Kelly, Miller, Moores, Matzger, Meigs, Marple, Olney, Reed, Robbins, Shannon, Smith,

Shrum, Shields, Starkweather, Waymire, Williams, Watts, Whitted and Mr. President—33.

So the motion to amend was decided in the negative.

Mr. Logan moved to amend by striking out of said resolution the word "nine," and insert in lieu thereof the word "eleven."

Pending which, on motion of Mr. Waymire, the convention took a recess.

AFTERNOON SESSION.

2 O'CLOCK P. M.

The question recurring upon the adoption of the resolution in regard to appointing a committee of nine upon the subject of a schedule, Mr. Olney moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question being upon the adoption of the resolution, as amended, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Applegate, Anderson, Brattain of Linn, Bristow, Brattain of Lane, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Kinney, Kelly, Logan, Miller Moores, Matzger, Marple, Nichols, Newcomb, Olney, Packwood, Reed, Robbins, Shannon, Smith, Shrum, Shields, Scott, Starkweather, Waymire, Williams, Whitted and Mr. President—42.

Nays—Messrs. Farrar, McBride, Meigs, Olds, White, Watts and Watkins—7.

So the resolution was decided in the affirmative.

Mr. Olney moved to reconsider the vote just taken, and also moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question being, Shall the vote be reconsidered? which was decided in the negative.

Mr. Smith, from a select committee in relation to reporters, made the following:

The select committee to whom was referred the matter of conferring with one or more competent reporters relative to the reporting of the debates and proceedings of the convention, have discharged the duty assigned them and beg leave to report: That they have conferred with Messrs. Malone and Pearne, two practical and efficient reporters. Mr. Pearne proposed to your committee that he would report speeches and other proceedings of this body one-third of the time of its sittings for

the period of thirty days for the sum of three hundred dollars. To the application of your committee Mr. Malone returned the following answer in writing, which is herewith submitted to the convention: Both Mr. Pearne and Mr. Malone if employed by the convention to report its proceedings, expect and agree to look exclusively for their compensation to the sources specified in the resolution under which your committee was appointed.

All of which is respectfully submitted.

DELAZON SMITH,
Chairman.

On motion of Mr. Smith, the report was accepted and the committee discharged.

Mr. Smith moved to accept the proposition made by P. J. Malone, pending which, Mr. Logan offered the following substitute:

Resolved, That it is inexpedient to have the proceedings of this convention reported at the expense of the Territory or State.

Resolved, That a committee of three be appointed to employ competent persons to report the proceedings and debates of this convention; *Provided*, Said reporters shall receive no compensation except such as may be paid by the Federal Government, or by the individual members of this convention; *And provided further*, That in case said expenses are paid by the members of the convention, each member shall pay in proportion to the amount or bulk reported for him, to be estimated by the reporter and approved by the convention.

Mr. Smith asked leave to withdraw his motion, which, by the consent of Mr. Logan, the motion and substitute were both withdrawn.

On motion of Mr. Grover, the convention adjourned until Monday morning.

MONDAY, AUGUST 24, 1857.

10 O'CLOCK A. M.

The convention met pursuant to adjournment.

The roll being called, all the members being present except Messrs. Applegate, Babcock, Burch, Cox of Marion, Crooks, Chadwick, Fitzhugh, Hendershott, Lewis, Lovejoy, Miller, Matzger, McCormick, Short, Shrum and Shields.

The journal of yesterday was read and approved.

The President announced the following members as a Committee on Schedule, to wit:

Messrs. Grover, Smith, Boise, McCormick, Prim, Chadwick, Olney, Kelsey and Bristow.

The Committee on Corporations and Internal Improvements made a report.

The article on corporations and internal improvements was read a first time and passed to a second reading.

The Committee on Executive Department made a report.

The article on executive department was read a first time and passed to a second reading.

Mr. Bristow offered the following resolution:

WHEREAS, The people of this Territory require at our hands economy in every department thereof; therefore, be it

Resolved, That a committee of Finance be appointed, consisting of seven, who shall be instructed to submit a plan to the convention for the prohibition of the circulation of paper currency in the future State of Oregon from other States and Territories, and a clause providing for the public printing.

Which was decided in the negative.

Mr. Farrar offered the following resolution:

Resolved, That a provision be incorporated in the Constitution to restrict the Legislature from granting a license to vend spirituous liquors in the State of Oregon.

On motion of Mr. Williams, the resolution was referred to the Committee on Legislative Department.

The article on militia was read a second time.

On motion of Mr. Olney, the article on militia was referred to a committee of the whole.

The article on boundaries was read a second time.

On motion of Mr. Elkins, the article on boundaries was referred to a committee of the whole.

On motion of Mr. Kelly, the convention resolved itself into the committee of the whole, with Mr. Kelly in the chair. After some time spent therein, the committee rose and the President resumed the chair, and the Chairman, Mr. Kelly, reported that the committee of the whole, having had under consideration the article on boundaries, and have made some progress therein, and ask leave to sit again.

On motion the convention took a recess.

AFTERNOON SESSION.

2 O'CLOCK P. M.

The convention resolved itself into the committee of the whole, with Mr. Kelly in the chair. After some time spent therein, the committee rose and the President resumed the chair, and Mr. Kelly, Chair-

man, reported that the committee having had under consideration the article on boundaries, and having made progress therein, ask leave to sit again.

On motion of Mr. Smith, the convention adjourned.

TUESDAY, AUGUST 25, 1857.

10 o'CLOCK A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Cox of Marion, Cox of Lane, Matzger, McBride and Meigs.

The journal of yesterday was read and approved.

Mr. Smith presented a petition of L. T. Woodward and others in relation to a prohibitory liquor law.

On motion of Mr. Smith, the petition was referred to the Committee on Judicial Department.

Mr. Grover offered the following resolution:

Resolved, That the committee of the whole be discharged from the further consideration of the article on boundaries, and that the same be considered before the convention and referred to the Committee on Boundaries with instructions to take into consideration all propositions to amend and report thereon at the earliest moment.

On motion of Mr. Dryer, ordered that there be a call of the house.

The roll being called, the following named members failed to answer to their names, viz: Messrs. Applegate, Bristow, Babcock, Boise, Burch, Cox of Marion, Coyle, Cox of Lane, Duncan, Lovejoy, Matzger, McCormick, Olds and Shattuck.

On motion of Mr. Smith, the further proceedings in the call were dispensed with.

A quorum being present, the convention resumed the consideration of the resolution of Mr. Grover.

Mr. Meigs offered the following amendment to said resolution: And add to instruct the Committee on Boundaries to make the Cascades the eastern boundary line of the State.

Mr. Meigs moved the previous question. The question being, "Shall the main question now be put?" which was decided in the affirmative.

The question being upon the adoption of the amendment, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Applegate, Anderson, Brattain of Linn, Brattain of Lane, Babcock, Boise, Burch, Crooks, Camphell of Lane, Campbell of Clackamas, Chadwick, Dryer, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kelsey, Kinney, Kelly, Logan, Marple, Miller, Moores,

McBride, Nichols, Newcomb, Olds, Olney, Peebles, Prim, Packwood, Reed, Robbins, Short, Shannon, Smith, Shrum, Shields, Shattuck, Scott, Starkweather, Waymire, Williams, White, Watts, Watkins and Whitted—49.

So the amendment was decided in the negative.

Mr. Farrar offered the following amendment to said resolution; which was adopted:

That the west and a part of the north boundary of the State of Oregon shall be as follows: Beginning one marine league at sea, due west from the point where the 42d parallel of north latitude intersects the same; thence northerly at the same distance from the line of the coast lying west and opposite this State, including all islands within the jurisdiction of the United States, to a point due west and opposite the middle of the north ship channel of the Columbia river; thence easterly to, and up the middle of the main channel of said river, including the islands in the Columbia river, to the middle of the main channel of the river above and to eastward of the Cascades.

The question recurring upon the adoption of the resolution of Mr. Grover as amended; which was decided in the negative.

On motion of Mr. Smith, the convention took a recess.

AFTERNOON SESSION.

2 O'CLOCK P. M.

On motion of Mr. Logan, the article on judicial department was read by the title.

The article on judicial department was read a second time.

On motion of Mr. Logan, the article on judicial department was referred to committee of the whole.

The Committee on Suffrages and Elections made a report.

The article on suffrages and elections was read a first time and passed to a second reading.

On motion of Mr. Smith, the convention resolved itself into the committee of the whole, with Mr. Smith in the chair; after some time spent therein, the committee rose and the President resumed the chair, and the chairman, Mr. Smith, reported that the committee having had under consideration the articles on militia and judicial department, report the article on militia back with sundry amendments, and having made progress upon the article on judicial department, and ask leave to sit again.

The amendments to the article on militia as reported from the committee of the whole was then taken up, viz.:

First amendment—By striking out the word "free," in second line, Section 1.

On motion, the amendment was adopted.

Second amendment—By striking out the word "white," in second line, Section 1.

On motion, the amendment was adopted.

Third amendment—By striking out the words "residents of the same," in second and third lines, Section 1.

On motion, the amendment was adopted.

Fourth amendment—By striking out the word "any," in first line, and the word "S" to the word "person," on the same line in Section 2.

On motion, the amendment was adopted.

On motion, the convention adjourned.

WEDNESDAY, AUGUST 26, 1857.

10 o'clock A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Reed, Robbins and Starkweather.

The journal of yesterday was read and approved.

Mr. White presented a petition of Wm. Royal and others in relation to a prohibitory liquor law, which was read.

On motion of Mr. White, the petition was referred to the Committee on Judicial Department.

Mr. Brattain of Lane presents a petition of B. J. Pengra and others in relation to a prohibitory liquor law.

On motion, the petition was referred to the Committee on Judicial Department.

The Committee on Education and School Lands made a report.

The article on education and school lands was read a first time and passed to a second reading.

A minority of the Committee on Education and School Lands made a report.

The minority article on education and school lands was read a first time and passed to a second reading.

Mr. Waymire moved to reject the minority article on education and school lands.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Bristow, Babcock, Boise, Burch, Cox of Marion, Crooks, Campbell of Clackamas, Chadwick, Duncan, Fitzhugh, Hoult, Kinney, Olney, Scott, Waymire and Whitted—16.

Nays—Messrs. Applegate, Anderson, Brattain of Linn, Brattain of Lane, Coyle, Cox of Lane, Campbell of Lane, Dryer, Elkins, Farrar, Grover, Hendershott, Kelsey, Kelly, Lewis, Lovejoy, Logan, Marple, Miller, Moores, Matzger, McBride, McCormick, Meigs, Nichols, Newcomb, Olds, Peebles, Prim, Packwood, Reed, Robbins, Short, Shannon, Smith, Shrum, Shields, Shattuck, Williams, White, Watts, Watkins and Mr. President—43.

So the motion was decided in the negative.

The article on bill of rights was read a second time.

On motion of Mr. Lovejoy, the article on bill of rights was referred to a committee of the whole.

On motion of Mr. Smith, the convention resolved itself into the committee of the whole, with Mr. Smith in the chair; after some time spent therein, the committee rose and the President resumed the chair, and the chairman, Mr. Smith, reported that the committee having had under consideration the article on judicial department and have made progress therein, and ask leave to sit again.

On motion of Mr. Bristow, the convention took a recess.

AFTERNOON SESSION.

2 o'clock P. M.

Mr. Smith offered the following resolution:

Resolved, That there shall be evening sessions of this convention until otherwise ordered, and such evening sessions commence at seven o'clock P. M.

Mr. Olney moved to add to said resolution "and at eight o'clock in the morning;" which was decided in the negative.

Mr. Kelly moved to amend the resolution by adding "and at nine o'clock in the morning;" which was adopted.

The question being taken upon the resolution as amended, was decided in the affirmative.

Mr. Bristow moved to take up the article on militia.

Mr. Lovejoy moved to amend the motion by postponing the article on militia to Monday next; which was adopted.

Mr. Applegate moved to reconsider the vote just taken, which was agreed to.

Mr. Lovejoy moved to postpone the article on militia until Monday next.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Applegate, Brattain of Linn, Brattain of Lane, Babcock, Cox of Marion, Crooks, Coyle, Campbell of Lane, Campbell of

Clackamas, Chadwick, Dryer, Duncan, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelly, Lovejoy, Moores, Matzger, Meigs, Nichols, Newcomb, Olney, Peebles, Prim, Robbins, Smith, Shrum, Shattuck, Williams, Whitted and Mr. President—34.

Nays—Messrs. Bristow, Burch, Cox of Lane, Farrar, Kelsey, Kinney, Lewis, Logan, Marple, Miller, McBride, McCormick, Olds, Packwood, Short, Shannon, Shields, Scott, Waymire, White, Watts and Watkins —22.

So the motion was decided in the affirmative.

On motion of Mr. Smith, the convention resolved itself into the committee of the whole, with Mr. Smith in the chair; after some time spent therein the committee rose, and the President resumed the chair, and the chairman, Mr. Smith, reported that the committee, having had under consideration the article on judicial department and have made progress therein, and ask leave to sit again.

On motion of Mr. Bristow, the convention took a recess.

EVENING SESSION.

7 O'CLOCK P. M.

Mr. Kelley offered the following resolution:

Resolved, That the term for which the Judges of the Supreme Court shall hold office, be limited to six years.

Mr. Short offered the following amendment to said resolution, to strike out all after the word "resolved," and insert the following: "That there shall be four district judges elected within the State of Oregon, by the legal voters of their respective districts, who shall serve as follows: One for one year, one for two years, one for three years, and one for four years, to be decided by lot."

Mr. Farrar moved the previous question.

The question being, Shall the main question now be put? which was decided in the affirmative.

The question was then taken upon the amendment to the resolution.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Applegate, Dryer, Farrar, Hendershott, Kinney, Logan, Marple, McBride, Olds, Short and Scott—11.

Nays—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hoult, Kelsey, Kelly, Lovejoy, Miller, Moores, Matzger, McCormick, Meigs, Nichols, Newcomb, Olney, Peebles, Prim, Packwood, Shannon, Smith,

Shrum, Shields, Shattuck, Waymire, Williams, White, Watts, Watkins, Whitted and Mr. President—42.

So the amendment was decided in the negative.

Mr. Logan moved to amend the resolution by striking out the word "six," and in lieu thereof insert the word "four."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Applegate, Dryer, Farrar, Hendershott, Kinney, Logan, Marple, McBride, Olds, Short, Scott, White and Watts—13.

Nays—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Duncan, Chadwick, Elkins, Fitzhugh, Grover, Hoult, Kelsey, Kelly, Lovejoy, Miller, Moores, Matzger, McCormick, Meigs, Nichols, Newcomb, Olney, Peebles, Prim, Packwood, Shannon, Smith, Shrum, Shields, Shattuck, Waymire, Watkins, Whitted and Mr. President—39.

So the amendment was decided in the negative.

The question recurring upon the adoption of the resolution offered by Mr. Kelley, Mr. Farrar moved the previous question. The question being, "Shall the main question now be put?" which was decided in the affirmative.

The question being upon the adoption of the resolution, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Applegate, Bristow, Brattain of Lane, Coyle, Cox of Lane, Elkins, Fitzhugh, Farrar, Hoult, Hendershott, Kelsey, Kinney, Kelly, Lovejoy, Miller, Moores, Matzger, Meigs, Nichols, Newcomb, Peebles, Packwood, Shannon, Shrum, Shattuck, Scott, Waymire, White and Watts—29.

Nays—Messrs. Brattain of Linn, Babcock, Boise, Crooks, Campbell of Lane, Campbell of Clackamas, Chadwick, Dryer, Duncan, Grover, Logan, Marple, McBride, McCormick, Olds, Olney, Prim, Short, Smith, Shields, Watkins, Whitted and Mr. President—23.

So the resolution was decided in the affirmative.

On motion of Mr. Farrar, the convention adjourned.

THURSDAY, AUGUST 27, 1857.

9 O'CLOCK, A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Babcock, Marple, Peebles, Packwood, Starkweather and Watkins.

The journal of yesterday was read and approved.

Mr. Smith offered the following resolution:

Resolved, That Mr. W. N. Walton, of California, be admitted within the bar of this convention as a reporter for the newspaper press of that State; which was adopted.

Mr. Logan offered the following resolution:

Resolved, That provision be made in the Constitution for the abolition of grand juries and the substitution of some other mode of presenting crimes and offences to the courts for trial; which was withdrawn by mover.

Mr. Prim offered the following resolution:

Resolved, That a Supreme Court consisting of one Judge, to be elected by the people at large, be incorporated into the judicial system, *Provided*, The number of judges may be increased when the population shall exceed one hundred thousand inhabitants.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Applegate, Duncan, Farrar, Hendershott, Kinney, Kelley, Lewis, Lovejoy, Logan, McBride, Meigs, Marple, Newcomb, Olds, Prim, Reed, Short, Scott and Watkins—19.

Nays—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Dryer, Elkins, Fitzhugh, Grover, Hoult, Kelsey, Miller, Moores, Matzger, McCormick, Nichols, Olney, Robbins, Shannon, Smith, Shrum, Shields, Shattuck, Waymire, Williams, White, Watts, Whitted and Mr. President—38.

So the resolution was decided in the negative.

Mr. Smith gave the following notice to amend Rule No. —

That during the residue of the session of this convention, the yeas and nays shall not be ordered in any instance except upon the final passage of articles, unless called for by at least ten members.

The article on executive department was read a second time.

On motion of Mr. Smith, the article on executive department was referred to the committee of the whole.

The article on administrative department was read a second time.

On motion of Mr. Lovejoy, the article on administrative department was referred to the committee of the whole.

The article on corporations and internal improvements was read a second time.

On motion of Mr. Grover, the article on corporations and internal improvements was referred to the committee of the whole.

On motion of Mr. Lovejoy, the convention resolved itself into the committee of the whole, with Mr. Lovejoy in the chair; after some time spent therein, the committee rose, and the President resumed the chair, and the chairman, Mr. Lovejoy, reported that the committee

having had under consideration the article on judicial department, and have made progress therein, and ask leave to sit again.

On motion of Mr. Watts, the convention took a recess.

AFTERNOON SESSION.

2 O'CLOCK P. M.

Mr. Smith offered the following resolution:

Resolved, That the convention approve the system of County Courts as reported by the Committee on the Judicial Department.

Mr. Reed moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Cox of Marion, Campbell of Lane, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hoult, Kelly, Moores, Meigs, Olney, Prim, Reed, Shannon, Smith, Shields, Starkweather, Waymire, Williams, Whitted and Mr. President—27.

Nays—Messrs. Applegate, Anderson, Burch, Crooks, Coyle, Campbell of Clackamas, Dryer, Farrar, Hendershott, Kelsey, Kinney, Lewis, Logan, Marple, Miller, Matzger, McBride, McCormick, Nichols, Newcomb, Olds, Packwood, Robbins, Short, Shrum, Shattuck, Scott, White, Watts and Watkins—30.

So the resolution was decided in the negative.

On motion of Mr. Kelly, the convention resolved itself into the committee of the whole, with Mr. Kelly in the chair; after some time spent therein, the committee rose and the President resumed the chair, and the chairman, Mr. Kelly, reported that the committee having had under consideration the article on judicial department, and have made progress therein, and ask leave to sit again.

Mr. Olney offered the following resolution:

That the convention will meet at eight o'clock A. M. and two o'clock P. M., and that the night session be dispensed with.

Mr. Dryer moved a call of the house.

On motion of Mr. Kelly, the call was dispensed with.

The question recurring upon the adoption of the resolution, which was decided in the affirmative.

On motion of Mr. Lovejoy, the convention adjourned.

FRIDAY, AUGUST 28, 1857.

8 O'CLOCK A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Applegate, Cox of Marion, Campbell of Clackamas, Kelsey, McBride, Peebles, Packwood, Robbins, Scott, Starkweather, Williams and Watkins.

The journal of yesterday was corrected, read and approved.

On motion, Mr. Marple was granted leave to have his vote recorded on the resolution of Mr. Prim, in relation to the Supreme Court, in the affirmative.

Mr. Smith in pursuance of notice offered the following resolution:

Resolved, That during the residue of the session of this convention, the yeas and nays shall not be ordered in any instance, except upon the final passage of articles, unless called for by at least ten members.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hoult, Kelsey, Kelly, Lovejoy, Moores, McCormick, Newcomb, Olney, Reed, Robbins, Shannon, Smith, Shields, Starkweather, Waymire, Williams, White, Whitted and Mr. President—35.

Nays—Messrs. Applegate, Anderson, Dryer, Farrar, Hendershott, Kinney, Lewis, Logan, Marple, Miller, Matzger, Meigs, Nichols, Olds, Prim, Short, Shattuck, Scott, Watts and Watkins—20.

So the resolution was adopted.

Mr. Reed gave notice that he would introduce, on to-morrow, an amendment to Rule 17, to-wit: By striking out all after the word "than" in the second line, and substituting the following words: once to the same question without the leave of the convention, nor more than twenty minutes at any one time.

Mr. Farrar gave notice that he would introduce on to-morrow, or some future day, amendment to Rule 17, to-wit: Strike out the word "twice" in the first line, and insert "once;" the word "forty" in third line, and insert the word "fifteen."

Mr. Applegate asked leave of absence from this day until the end of the session.

The question being, Shall leave be granted? The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Campbell of Lane, Dryer, Prim, Reed, Shannon and Shattuck—6.

Nays—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Babcock, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Farrar,

Grover, Hoult, Hendershott, Kelsey, Kinney, Lovejoy, Logan, Marple, Moores, Matzger, McCormick, Meigs, Nichols, Newcomb, Olds, Olney, Packwood, Robbins, Short, Smith, Shields, Scott, Starkweather, Waymire, Williams, White, Watts, Watkins, Whitted and Mr. President —46.

So leave of absence was refused.

Mr. Logan gave notice to amend a rule as follows:

Resolved, That the names of the persons demanding the yeas and nays be entered on the record.

The article on education and school lands was read a second time.

On motion of Mr. Kelly, the article on education and school lands was referred to the committee of the whole.

The article on suffrages and elections was read a second time.

On motion of Mr. Grover, the article on suffrages and elections was referred to committee of the whole.

On motion of Mr. Grover, the convention resolved itself into the committee of the whole, with Mr. Grover in the chair; after some time spent therein, the committee rose, and the President resumed the chair, and the chairman, Mr. Grover, reported that the committee having had under consideration the article on judicial department, and have made progress therein, and ask leave to sit again.

On motion of Mr. Watts, the convention took a recess.

AFTERNOON SESSION.

2 O'CLOCK P. M.

On motion of Mr. Grover, the convention resolved itself into the committee of the whole, with Mr. Grover in the chair; after some time spent therein, the committee rose and the President resumed the chair, and the chairman, Mr. Grover, reported that the committee having had under consideration the article on judicial department, have made progress therein, and ask leave to sit again.

On motion, the convention adjourned.

SATURDAY, AUGUST 29, 1857.

8 O'CLOCK, A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Apple-

gate, Boise, Campbell of Clackamas, Elkins, Hendershott, Kinney, Lovejoy, McBride, Peebles, Packwood, Reed, Robbins, Short, Smith, Shrum, Shattuck, Williams and Watkins.

The journal of yesterday was read and approved.

Mr. White presented a petition of Abel Stewart and others in relation to a prohibitory liquor law.

On motion of Mr. Kelly, the petition was referred to the Committee on Judicial Department.

Mr. Marple offered the following resolution:

Resolved, That when the article on the judiciary be recommitted, the committee be instructed not to carry into effect the principles recommended by the committee of the whole, to the effect that the Legislature have power to abolish the system of Grand Juries in this State.

On motion of Mr. Waymire, the resolution was laid on the table.

Mr. Reed, in pursuance of notice, offered the following resolution:

Resolved, That Rule 17 be amended by striking out all of said rule after the word "then" in said rule, and substituting the words "once to the same question without leave of the convention, nor more than twenty minutes at one time."

Mr. Watts moved to amend the resolution by the following words, "Except upon articles or clauses to be inserted in the constitution upon their final passage;" which was adopted.

Mr. Waymire moved to lay the resolution on the table; which was decided in the negative.

Mr. Kelly moved to amend by striking out the word "once" in said resolution, and insert the word "twice" in lieu thereof; which was adopted.

The question recurring upon the adoption of the resolution as amended; which was decided in the affirmative.

Mr. Logan, in pursuance of notice, offered the following resolution:

Resolved, That the names of the persons demanding the yeas and nays be entered on the record.

The question being, Shall the resolution be adopted? which was decided in the negative.

Mr. Williams offered the following resolution:

Resolved, That it is expedient to incorporate into the Constitution a provision declaring that no claim whatever against the State shall be considered or passed upon by the General Assembly, until it has been submitted to and decided upon by the Auditor of Public Accounts, with the right in the General Assembly to overrule the decision of said Auditor by a two-thirds vote.

On motion of Mr. Williams, the resolution was laid on the table.

Mr. Applegate offered the following resolution:

Resolved, That this convention will submit the question of slavery to be decided by a direct vote of the people.

Resolved, That any debate on the subject of slavery except upon the subject of its submission to the people, shall be and is hereby declared out of order.

On motion of Mr. Williams, the resolution was laid on the table.

On motion of Mr. Olney, the convention resolved itself into the committee of the whole with Mr. Grover in the chair; after some time spent therein, the committee rose, and the President resumed the chair, and the chairman, Mr. Grover, reported that the committee having had under consideration the article on judicial department, and have made progress therein, and ask leave to sit again.

On motion of Mr. Burch, the convention adjourned until Monday at 9 o'clock A. M.

MONDAY, AUGUST 31, 1857.

9 O'CLOCK A. M.

The convention met pursuant to adjournment.

The President not being present on account of illness, the convention was called to order by Mr. Kelly.

On motion of same, the convention elected Mr. Grover President, *pro tem.*

The roll being called, all the members present, except Messrs. Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Dryer, Elkins, Kelsey, Kinney, Lewis, Lovejoy, Logan, Marple, Miller, McBride, Olds, Peebles, Robbins, Shannon, Smith, Shrum, Shields, Waymire, Williams, Watts, Watkins and Mr. President.

There being no quorum present, on motion of Mr. Olney, ordered a call of the convention.

The roll being called through, the following members failed to answer to their names: Messrs. Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Campbell of Clackamas, Dryer, Elkins, Farrar, Lewis, Lovejoy, Logan, Marple, Millller, McBride, Olds, Peebles, Reed, Robbins, Shannon, Smith, Shrum, Shields, Shattuck, Waymire, Watkins and Mr. President.

A quorum appearing present, on motion of Mr. Olney, a further call was dispensed with.

The journal of Saturday was read and approved.

Mr. McCormick offered the following resolution:

Resolved, That it is the sense of this convention that it can conclude

its labors and adjourn *sine die* on or before the 21st day of September next; which was adopted.

On motion of Mr. McCormick, the convention resolved itself into the committee of the whole, with Mr. Boise in the chair; after some time spent therein, the committee rose, and the President resumed the chair, and the chairman, Mr. Boise, reported that the committee of the whole having had under consideration the article on judicial department, report the same back, with sundry amendments, and recommend its reference back to the Committee on Judicial Department.

On motion of Mr. Watts, the convention took a recess.

AFTERNOON SESSION.

2 o'clock p. m.

Mr. Peebles offered the following resolution:

Resolved, That three hundred copies of the journal of this convention be ordered to be printed, subject to its order, for distribution.

On motion of Mr. McCormick, the resolution was laid on the table.

On motion of Mr. Peebles, the convention resolved itself into the committee of the whole, with Mr. Peebles in the chair; after some time spent therein, the President *pro tem.* resumed the chair, and the chairman, Mr. Peebles, reported that the committee having had under consideration the article on executive department and administrative department, and report the same back to the convention, with sundry amendments.

On motion, the convention adjourned.

TUESDAY, SEPTEMBER 1, 1857.

8 o'clock A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Applegate, Anderson, Bristow, Cox of Lane, Chadwick, Dryer, Duncan, Farrar, Kelsey, Kelly, Lewis, Lovejoy, Logan, Miller, McBride, Olds, Packwood, Reed, Shrum, Shields, Williams, White and Watkins.

The reading of the journal of yesterday was dispensed with on account of the illness of the Secretary.

Mr. Matzger presented a petition of Jacob Holgate and others, relative to a prohibitory liquor ———.

On motion, the petition was referred to the Committee on the Judicial Department.

Mr. Moores presented a petition of James M. Chandler and others, relative to a prohibitory liquor law.

On motion, the petition was referred to the Committee on the Judicial Department.

Mr. Marple offered a substitute to the article on judicial department; which was on motion referred to the Committee on Judicial Deparment.

Mr. Olney offered a resolution in relation to changing the hour of the meeting of the convention in the forenoon from 8 o'clock to 9 o'clock; which was decided in the negative.

Mr. Starkweather offered the following resolution:

Resolved, That the Governor of the State of Oregon shall receive an annual salary of twelve hundred dollars; the Secretary of State shall receive an annual salary of one thousand dollars; the Judges of the Supreme Court shall receive an annual salary each of fifteen hundred dollars, and that Justices and Clerks of the County Courts, and the Auditor, Treasurer, Sheriff, Coronor, and Surveyor of the several counties shall each receive such compensation as shall be prescribed by law.

On motion, the resolution was laid on the table.

The article on militia, which was made the order of to-day, was taken up with the following amendments as reported from the committee of the whole:

First amendment—first section—By striking out the word "free."

Second amendment—Strike out the word "white," in the first section.

Third amendments—Strike out the word "any," in the second section, first line, and add the letter "s" to the word person, in the same line and section.

The question being on agreeing to the said amendments, and they were severally agreed to.

Mr. Grover moved to amend the second section, first line, by striking out the word "carry," and insert in lieu thereof the word "bear;" which was adopted.

Mr. Kelly moved to amend section four by adding after the word "officers" the following: "And the Governor shall commission all officers of the line and staff ranking as such; which was adopted.

Mr. Kelly moved to strike out section "five"; which was adopted.

Mr. Peebles moved to amend section three by striking out the following words, Major-General, Brigadier-General, Colonels, Lieutenant-Colonels, Majors, Captains and subalterns," and in lieu thereof the words, "All officers of the line;" which was adopted.

Mr. Grover moved to amend section three by adding after the word "and" in the first line the following words: "The other chief officers of the general staff and his own staff;" which was adopted.

On motion the article on militia was ordered to be engrossed and read a third time on Thursday next.

The articles on the executive department with sundry amendments as reported from the committee of the whole on yesterday, were severally taken up as follows:

First amendment—Section one, by adding the word "chief" before the word "executive" in the first line.

Second amendment—Section three, by adding after the word "State" the words "or any other power."

Third amendment—Strike out all after the word "remitted" in section fourteen.

Fourth amendment—Section seven, first line, strike out all after the word "shall" and insert "be two years and shall commence at such time as may be provided by law or this Constitution."

The question being upon agreeing to the said amendments, they were severally agreed to.

Mr. Kelly moved to amend third section, after the word "Governor" add the following words: "Except as may otherwise be provided in this Constitution"; which amendment was adopted.

Mr. Kelly moved to amend section one by striking out the word "six," and in lieu thereof insert the word "eight;" which amendment was adopted.

Mr. Waymire moved to amend first section by striking out the word "two," and in lieu thereof insert the word "four."

The yeas and nays being demanded resulted as follows:

Yeas—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Duncan, Elkins, Fitzhugh, Grover, Hoult, Kelsey, Kinney, Moores, Matzger, McCormick, Nichols, Newcomb, Olney, Peebles, Prim, Packwood, Robbins, Smith, Shields, Starkweather, Waymire, Williams, Watts, Watkins, Whitted and Mr. President—38.

Nays—Messrs. Anderson, Kelly, Marple, Short, Shannon, Shattuck, Scott and White—8.

So the amendment was adopted.

Mr. Marple moved to amend Section two, line three, by striking out the word "three."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Cox of Marion, Coyle, Hoult, Marple, Matzger, McCormick, Olney, Peebles, Packwood, Robbins, Shannon, Scott and Williams—17.

Nays—Messrs. Babcock, Boise, Burch, Crooks, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Duncan, Elkins, Fitzhugh, Grover, Kinney, Kelly, Moores, Meigs, Nichols, Newcomb, Prim, Short, Shields,

Shattuck, Starkweather, Waymire, White, Watts, Watkins, Whitted and Mr. President—28.

So the amendment was disagreed to.

On motion of Mr. Kelly, the article on executive department was ordered to be engrossed and read a third time on Thursday next.

On motion of Mr. Peebles, the convention took a recess.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

The articles on administrative department, with sundry amendments as reported from the committee of the whole, were taken up as follows:

First amendment—Section 6, strike out the words "Clerk of the Circuit Court, Auditor, Recorder," and insert "County Clerk."

Second amendment—Section 1, strike out the word "two" and insert the word "four;" strike out the word "four," and insert the word "eight;" strike out the word "six," and insert the word "twelve."

The question being on agreeing to said amendments, they were severally agreed to.

Mr. Boise moved to amend section 1, by adding at the end of said section, a proviso: *Provided*, That the Governor act as *ex-officio* Treasurer for the term of ten years.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Bristow, Brattain of Lane, Babcock, Boise, Cox of Marion, Cox of Lane, Campbell of Lane, Duncan, Fitzhugh, Hoult, Moores, Matzger, Nichols, Newcomb, Robbins, Starkweather, Waymire, Williams and Mr. President—19.

Nays—Messrs. Anderson, Brattain of Linn, Burch, Crooks, Coyle, Campbell of Clackamas, Elkins, Grover, Hendershott, Kelsey, Kinney, Kelly, Marple, McBride, McCormick, Meigs, Olney, Peebles, Prim, Short, Shannon, Smith, Shields, Shattuck, Scott, White, Watts, Watkins and Whitted—29.

So the amendment was disagreed to.

Mr. Marple moved to amend section 1, by striking out, in the third and fourth lines, the words, "But no person shall be eligible to either of said offices more than eight in any period of twelve years."

The yeas and nays being demanded resulted as follows:

Yeas—Messrs. Anderson, Bristow, Brattain of Lane, Crooks, Campbell of Lane, Fitzhugh, Hoult, Hendershott, Marple, Moores, Matzger, Olney, Packwood, Smith, Shields, Shattuck, Scott, Starkweather, Waymire, Williams and Whitted—21.

Nays—Messrs. Brattain of Linn, Babcock, Boise, Burch, Cox of Marion, Coyle, Cox of Lane, Duncan, Grover, Kinney, Kelly, McBride,

McCormick, Meigs, Nichols, Prim, Robbins, Short, Shannon, White, Watts and Mr. President—22.

So the amendment was disagreed to.

Mr. Packwood moved to amend section 3, first line, by striking out the words "of State;" which was disagreed to.

On motion of Mr. Smith, the article on administrative department was ordered to be engrossed and read a third time on Thursday next.

Mr. Grover moved that the resolution providing for the printing of the journal, and proceedings of the convention be taken from the table; which was decided in the affirmative.

So the resolution was taken from the table.

Mr. Grover moved that the resolution in relation to printing the journal be adopted; which was decided in the negative.

On motion of Mr. Smith, the convention resolved itself into the committee of the whole, with Mr. Smith in the chair; after some time spent therein the committee rose, and the President resumed the chair, and Mr. Smith reported that the committee having had under consideration the article on corporations and internal improvements, and having made progress therein, and ask leave to sit again.

On motion of Mr. Bristow, the convention adjourned.

WEDNESDAY, SEPTEMBER 2, 1857.

8 o'clock A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Boise, Campbell of Clackamas, Chadwick, Dryer, Duncan, Farrar, Kelsey, Lewis, Lovejoy, Logan, Matzger, Peebles, Prim, Reed and Williams.

The journals of Monday and Tuesday last were read, corrected and approved.

The articles on education and school lands, from a minority of the committee on the same, was read a second time.

On motion of Mr. Grover, the article was referred to the committee of the whole.

On motion of Mr. Smith, the convention resolved itself into the committee of the whole with Mr. Smith in the chair; after some time spent therein the committee rose, and the President resumed the chair, and the chairman, Mr. Smith, reported that the committee having had under consideration the article on corporations and internal improvements, and having made progress therein and ask leave to sit again.

On motion of Mr. Watts, the convention took a recess.

AFTERNOON SESSION.

2 O'CLOCK P. M.

On motion of Mr. Smith, the convention resolved itself into the committee of the whole, with Mr. Smith in the chair; after some time spent therein the committee rose, and the President resumed the chair, and the chairman, Mr. Smith, reported that the committee having had under consideration the article on corporations and internal improvements and having made progress therein, and ask leave to sit again.

On motion, the convention adjourned.

THURSDAY, SEPTEMBER 3, 1857.

8 O'CLOCK, A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Applegate, Brattain of Linn, Boise, Dryer, Kelsey, Lewis, Lovejoy, Logan, McCormick, Meigs, Nichols, Reed and Shannon.

The journal of yesterday read and approved.

Mr. Kelly presented a petition of D. E. Blain and others, relative to a prohibitory liquor law.

On motion of Mr. Kelly, the petition was referred to the Committee on Judicial Department.

Mr. Kelly from the Committee on Executive Department, reported the articles on executive and administrative departments as truly engrossed.

Mr. Smith offered the following resolution, which was adopted:

Resolved, That the Doorkeeper of the convention be and is hereby directed to keep the door of the hall unlocked from seven o'clock A. M. until ten o'clock P. M. of each day of the residue of the session.

Mr. Elkins offered the following resolution:

Resolved, That a clause be inserted in the constitution to prohibit *free negroes* or mulattoes coming into or settling in the State.

On motion of Mr. Peebles, the resolution was laid on the table.

Mr. Kelsey from the Committee on Militia, reported the article on militia as truly engrossed.

The article on legislative department was read a second time.

On motion, the article on legislative department was referred to the committee of the whole.

The article on executive department was read a third time.

The question being upon passage of the article read, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kelsey, Kinney, Kelly, Marple, Miller, Moores, Matzger, Meigs, Newcomb, Olney, Peebles, Prim, Packwood, Robbins, Short, Shannon, Smith, Shields, Shattuck, Starkweather, Waymire, Williams, White, Watts, Whitted and Mr President—46.

Nays—Messrs. McBride and Scott—2.

So the article on executive department was passed.

The article on administrative department was read a third time.

The question being upon the passage of the article as read, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Bristow, Brattain of Lane, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Kelly, Marple, Moores, Matzger, Newcomb, Olney, Peebles, Packwood, Robbins, Short, Shannon, Smith, Shields, Scott, Starkweather, Waymire, Williams, Watts, Whitted and Mr. President—39.

Nays—Messrs. Farrar, McBride, Meigs, Shattuck and White—5.

So the article on administrative department was passed.

The article on militia was read a third time.

Mr. Packwood moved to recommit the article to the Committee on Militia, with instructions to amend the third, so that the Governor shall appoint the Adjutant General and other officers of the general staff, by and with the advice of the Senate.

Mr. Marple moved to amend the motion, with instructions that all that portion thereof after the first section be stricken out.

The question being upon the amendment to the motion; which was decided in the negative.

The question then recurred upon the adoption of the motion of Mr. Packwood; which was decided in the negative.

On motion of Mr. Kelly, the article on militia was referred back to the Committee on Militia to correct all clerical errors.

Mr. Elkins moved to take from the table the resolution in relation to *free negroes* and mulattoes; which motion was withdrawn by the mover.

On motion of Mr. Olney, the convention resolved itself into the committee of the whole, with Mr. Smith in the chair; after some time spent therein the committee rose, and the President resumed the chair, and the chairman, Mr. Smith, reported that the committee having had under consideration the article on corporations and internal improvements, and have made progress therein, and ask leave to sit again.

On motion of Mr. Watts, the convention took a recess.

AFTERNOON SESSION.

2 o'clock P. M.

On motion of Mr. Olney, the convention resolved itself into the committee of the whole, with Mr. Smith in the chair; after some time spent therein the committee rose, and the President resumed the chair, and the chairman, Mr. Smith, reported that the committee having had under consideration the article on corporations and internal improvements, report the same back to the convention with sundry amendments.

Mr. Kelsey from Committee on Militia, reported the article on militia as truly engrossed.

On motion, the convention adjourned.

FRIDAY, SEPTEMBER 4, 1857.

8 o'clock A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Applegate, Anderson, Brattain of Linn, Bristow, Cox of Marion, Campbell of Clackamas, Duncan, Hendershott, Kelsey, Kinney, Lovejoy, Logan, Marple, McCormick, Newcomb, Olds, Peebles, Packwood, Reed, Robbins, Shrum, Shields, Shattuck, Scott, Starkweather, Williams, White and Watkins.

The journal of yesterday read and approved.

Mr. Logan presented a petition of M. N. Stearns and others, relative to a prohibitory liquor law.

On motion, the petition was referred to the Committee on Judicial Department.

The article on corporations and internal improvements with the amendments as reported from the committee of the whole on yesterday was taken up.

First amendment—Sec. 1, line 1st, strike out the word general, and in lieu thereof insert the legislative.

Second amendment—Sec. 3, by striking out the entire section and insert the following: No subscriber for any share or shares in any corporation or joint stock company, nor any assignee or holder of such share or shares, shall ever be liable for more than the nominal value of such share or shares therein.

Third amendment—Sec. 3, add to the end of said section the following: "But so as to impair or destroy any vested corporate rights."

Fourth amendment—Sec. 5, line 1st, strike out the word "general" and in lieu thereof insert the word "legislative," also strike out the

word "villages" in the same line and section and insert the word "towns."

Fifth amendment—Sec. 5, line 2, after the word taxation the following: "and prohibit their;" also add at the end of said line and section the following: "to the extent of their yearly revenue."

Sixth amendment—Sec. 7th, line 1st, strike out the word "general" and in lieu thereof insert the word "legislative;" also in the same line of said section after the word "not" add the following words: "loan the credit of the State in any manner nor."

Seventh amendment—Sec. 7th, line 2, the blank was filled with the words "fifty thousand."

Eighth amendment—Sec. 10, by striking out all after the word "county" in the first line to and including the word "it" in the second line.

Ninth amendment—The blank in Section 10, third line, was filed with the words "five thousand."

Tenth amendment—Sec. 10, by striking out all after the word "county" in 4th line to and including the word "corporation" in the 5th line.

The question being on agreeing to the amendments.

The first amendment was agreed to.

The second amendment was disagreed to.

The third and fourth amendments were agreed to.

The fifth amendment was disagreed to.

The question being on agreeing to the sixth amendment, the yeas and nays being demanded resulted as follows:

Yeas—Messrs. Chadwick, Elkins, Fitzhugh, Kelsey, Kinney, Olney, Prim, Scott, Whitted, and Mr. President—10.

Nays—Messrs. Bristow, Brattan of Lane, Babcock, Boise, Burch, Crooks, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Dryer, Grover, Holt, Kelly, Lewis, Logan, Miller, Moores, Matzger, McBride, Meigs, Nichols, Newcomb, Robbins, Short, Shannon, Smith, Shields, Waymire, Williams, White and Watkins—32.

So the amendment was disagreed to.

The question being on agreeing to the 7th, 8th, 9th and 10th amendments, and they were severally agreed to.

Mr. Elkins, offered the following amendment to Section 3: By striking out all after the words "section three" and insert the following: The stockholders of all corporations and joint stock companies shall be individually liable to an amount over and above the stock by him or her or them owned, any amount repaid thereon to a further sum at least equal in amount to such stock.

Mr. Olney moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the adoption of the amendment, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs Coyle, Cox of Lane, Elkins, Fitzhugh, Grover, Hoult, Kelsey, Kinney, Kelly, Miller, Olds, Packwood, Robbins, Shannon, Starkweather and Whitted—16.

Nays—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Burch, Crooks, Campbell of Lane, Campbell of Clackamas, Chadwick, Farrar, Lewis, Marple, Matzger, McBride, Meigs, Nichols, Newcomb, Olney, Prim, Short, Smith, Shields, Shattuck, Scott, Waymire, Williams, White, Watts and Mr. President—29.

So the amendment was decided in the negative.

Mr. Grover offered the following amendment to Section 3: Strike out in 1st and 2nd lines, after the word "for" to the word "to" in 2nd lines, and insert, "over and above the share or shares of each in the corporate property thereof;" strike out in 4th line the words "incurred in any other way," and insert "but this personal liability of stockholders shall extend only to the payment of debts incurred for manual labor performed and materials furnished."

Mr. Olney moved the previous question. The question being, Shall the main question be now put? which was decided in the negative.

Mr. Olney moved the previous question. The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the adoption of the amendment, the yeas, and nays being demanded, resulted as follows:

Yeas—Messrs. Coyle, Cox of Linn, Elkins, Fitzhugh, Grover, Miller, Matzger, Olney, Packwood, Robbins, Shannon, Williams and Whitted—13.

Nays—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Crooks, Campbell of Lane, Campbell of Clackamas, Chadwick, Dryer, Farrar, Hoult, Kelsey, Lewis, Logan, Marple, Moores, McBride, Meigs, Nichols, Newcomb, Olds, Prim, Short, Shattuck, Starkweater, Waymire, White, Watts, Watkins and Mr. President—33.

So the amendment was decided in the negative.

Mr. Williams offered the following amendment to Section 3:

By inserting in second line before the word "labor" the word "manual;" also strike out in second and third lines the words "to the amount of," and insert "for any amount unpaid on."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Bristow, Cox of Lane, Elkins, Fitzhugh, Miller, Robbins, Shannon and Williams—8.

Nays—Messrs. Anderson, Brattain of Linn, Brattain of Lane, Babcock, Boise, Burch, Crooks, Coyle, Campbell of Lane, Campbell of Clackamas, Chadwick, Dryer, Farrar, Grover, Hoult, Kelsey, Kinney, Kelly, Lewis, Logan, Marple, Moores, Matzger, McBride, Meigs,

Nichols, Newcomb, Olds, Olney, Prim, Packwood, Short, Shields, Shattuck, Scott, Starkweather, Waymire, White, Watts, Watkins, Whitted and Mr. President—42.

So the amendment was decided in the negative.

Mr. Olney moved to amend Section 3, by striking out all after the word "liable" in first line to and including the word "liable" in second line.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Babcock, Boise, Burch, Cox of Lane, Campbell of Clackamas, Dryer, Fitzhugh, Kinney, Kelly, Lewis, Matzger, Nichols, Olney, Packwood, Robbins, Shannon, Starkweather, Williams and Mr. President—20.

Nays—Messrs. Anderson, Bristow, Brattain of Lane, Crooks, Coyle, Campbell of Lane, Chadwick, Elkins, Farrar, Grover, Hoult, Hendershott, Kelsey, Logan, Marple, Miller, Moores, McBride, Meigs, Newcomb, Olds, Prim, Short, Shields, Shattuck, Scott, Waymire, White, Watts, Watkins and Whitted—31.

So the amendment was decided in the negative.

Mr. Waymire moved to amend Section 3, by striking out Section 3, and insert the following:

Sec. 3. The stockholders of all corporations and joint stock companies shall only be liable for the indebtedness of said corporation, to the amount of their capital stock subscribed and unpaid, and no more.

Mr. Olney moved to amend the amendment by striking out the word "only;" which was disagreed to.

Mr. Farrar moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the adoption of the amendment, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Brattain of Linn, Brattain of Lane, Babcock, Boise, Burch, Campbell of Clackamas, Chadwick, Dryer, Fitzhugh, Farrar, Hendershott, Lewis, Logan, Marple, Moores, McBride, Nichols, Newcomb, Olds, Prim, Short, Shannon, Shields, Shattuck, Scott, Waymire, White, Watts, Watkins and Mr. President—31.

Nays—Messrs. Bristow, Crooks, Coyle, Cox of Lane, Campbell of Lane, Elkins, Grover, Hoult, Kelsey, Kinney, Kelly, Miller, Matzger, Meigs, Olney, Packwood, Robbins, Starkweather, Williams and Whitted—20.

So the amendment was decided in the affirmative.

Mr. Kelly moved to amend Section 10, by striking out all after the words, "no county," in first line and insert "shall create any debts or liabilities, which shall singly or in the aggregate exceed the sum of five thousand dollars, over and above the existing liabilities of such county

at the time of the adoption of this constitution, except in case of war, or to suppress insurrection or to repel invasion."

Mr. Olney moved to amend the amendment by adding as follows: "But the debts of any county at the time this constitution takes effect shall be disregarded in estimating the sum to which such county is limited;" which was agreed to.

The question recurring upon the adoption of the amendment as amended; which was decided in the affirmative.

Mr. Kelly moved to amend Section 10, by striking out the words "in case of war or" and "or repel invasion."

A division of the question was called for; which was granted.

The question was then taken upon striking out the words "in case of war or;" which was decided in the affirmative.

The question was then taken upon striking out the words "or repel invasion;" which was decided in the negative.

Mr. Chadwick moved to amend Section 5, by inserting the word "assessment," in second line, after the word "taxation;" which was disagreed to.

Mr. Williams moved to amend Section 1, second line, by inserting after the word "whatever," in said line, "nor shall any bank company or institution exist in the State."

Mr. Olney moved to amend the amendment by adding the words "or have any office or agency therein."

The question being upon agreeing to the amendment to the amendment, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Brattain of Lane, Crooks, Logan, Olds, Olney, Robbins, Starkweather, Williams and Whitted—10.

Nays—Messrs. Anderson, Bristow, Boise, Burch, Coyle, Cox of Lane, Campbell of Clackamas, Chadwick, Dryer, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kelsey, Kinney, Kelly, Lewis, Marple, Miller, Matzger, McBride, Meigs, Nichols, Newcomb, Prim, Packwood, Short, Shannon, Smith, Shields, Shattuck, Scott, Waymire, White, Watts, Watkins and Mr. President—39.

So the amendment to the amendment was disagreed to.

The question recurring upon the adoption of the amendment, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Brattain of Lane, Babcock, Burch, Crooks, Coyle, Cox of Lane, Campbell of Lane, Chadwick, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Kinney, Kelly, Lewis, Logan, Miller, Newcomb, Olds, Olney, Robbins, Shannon, Shields, Scott, Starkweather, Waymire, Williams, Whitted and Mr. President—32.

Nays—Messrs. Anderson, Bristow, Boise, Campbell of Clackamas, Dryer, Farrar, Marple, Matzger, McBride, Meigs, Nichols, Prim, Packwood, Short, Smith, Shattuck, White, Watts and Watkins—19.

So the amendment was adopted.
On motion, the convention took a recess.

AFTERNOON SESSION.

2 O'CLOCK P. M.

On motion of Mr. Bristow, the articles on corporations and internal improvements was ordered to be engrossed and read a third time on Monday next.

The article on militia was read a third time.

The question being upon the final passage of the article as read.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Bristow, Babcock, Boise, Burch, Crooks, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Farrar, Grover, Hoult, Kinney, Kelly, Lewis, Logan, Marple, Miller, Moores, Meigs, Nichols, Newcomb, Olds, Prim, Robbins, Short, Shannon, Shields, Shattuck, Scott, Starkweather, Waymire, White, Watts, Whitted and Mr. President—39.

Nays—Messrs. Brattain of Lane, Dryer, McBride, Olney, Packwood and Watkins—6.

So the article of militia was passed.

The Committee on Judicial Department reported back the article on the same as directed by the convention.

The article on judicial department was read a second time.

On motion of Mr. Kelly, the article on judicial department was ordered to be printed.

Mr. Olney of the Committee on Judicial Department, submitted a separate proposition; which was read, and on motion of Mr. Olney, ordered to be printed and attached to the article on judicial department.

On motion of Mr. Olney, the convention resolved itself into the committee of the whole, on the article on legislative department, with Mr. Olney in the chair; after some time spent therein the committee rose, and the President resumed the chair, and the chairman, Mr. Olney, reported that the committee having had under consideration the article on legislative department, having made progress therein, and ask leave to sit again.

On motion of Mr. Bristow, the convention adjourned.

SATURDAY, SEPTEMBER 5, 1857.

8 o'clock A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Applegate, Anderson, Bristow, Boise, Cox of Marion, Coyle, Campbell of Clackamas, Duncan, Kelsey, Kinney, Lewis, Lovejoy, Marple, Matzger, McCormick, Newcomb, Packwood, Reed, Shrum, Shields, Scott, Starkweather, Williams and White.

The journal of yesterday was read, corrected and approved.

On motion of Mr. Olney, the convention resolved itself into the committee of the whole, on article on legislative department, with Mr. Olney in the chair; after some time spent therein, the committee rose, and the President resumed the chair, and the chairman, Mr. Olney, reported that the committee having had under consideration the article on legislative department, having made progress therein, and ask leave to sit again.

On motion of Mr. Watts, the convention took a recess.

AFTERNOON SESSION.

2 o'clock P. M.

The President called Mr. Grover to the chair.

On motion of Mr. Smith, ordered a call of the convention. The roll being called through, the following members failed to answer to their names: Messrs. Applegate, Bristow, Cox of Marion, Coyle, Cox of Lane, Dryer, Duncan, Lovejoy, Logan, Miller, Matzger, McCormick, Newcomb, Peebles, Packwood, Reed, Robbins, Short, Shrum, Shattuck, Scott, White, Watts and Watkins.

A quorum appearing present, the further call of the convention was dispensed with.

On motion of Mr. Olney, the convention resolved itself into the committee of the whole, on article on legislative department, with Mr. Olney, in the chair. After some time spent therein, the committee rose and the President resumed the chair, and the chairman Mr. Olney, reported that the committee having had under consideration the article on legislative department having made progress therein, and ask leave to sit again.

On motion of Mr. McBride, the convention adjourned until Monday, 9 o'clock A. M.

MONDAY, SEPTEMBER 7, 1857.

9 o'clock A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Applegate, Brattain of Linn, Babcock, Burch, Cox of Marion, Coyle, Duncan, Farrar, Kelsey, Kinney, Kelly, Lovejoy, Marple, Matzger, McCormick, Olney, Peebles, Packwood, Reed, Shrum, Shattuck, White and Watts.

The journal of yesterday was read and approved.

Mr. McBride offered the following preamble and resolutions:

Whereas, This being the centennial anniversary or the birth day of General D'LaFayette a hero and patriot whose name, and fame are world wide, and whose noble sacrifices in the cause of American liberty are cherished with the liveliest gratitude by every lover of our country; and

Whereas, It is intended to celebrate this anniversary throughout the Empire of France, as a token of respect to the memory of the hero and of sympathy with the cause of republican liberty with which his fame is forever identified; and

Whereas, The States of the Union will join in grateful regard to the memory of the friend of Washington in celebrating the day in honor of the event; and

Whereas, The people of Oregon, represented by this convention are desirous of co-operating in this universal and national celebration; therefore be it

Resolved, That at twelve o'clock, A. M. this convention will adjourn till to-morrow, in honor of the event; and

Resolved further, That this preamble and resolutions be entered on the journals of this convention.

Which preamble and resolutions were decided in the negative.

Mr. Meigs from Committee on Corporations and Internal Improvements, on leave reported the article on corporations and internal improvements as truly engrossed.

On motion of Mr. Elkins, the article on corporations and internal improvements was laid on the table.

On motion of Mr. Olney, the convention resolved itself into the committee of the whole, on article on legislative department, with Mr. Olney in the chair, after sometime spent therein, the committee rose and the President resumed the chair, and the chairman, Mr. Olney, reported that the committee, having had under consideration the article legislative department, having made progress therein and ask leave to sit again.

On motion of Mr. Watts, the convention took a recess.

AFTERNOON SESSION.

2 o'clock P. M.

On motion of Mr. Olney, the convention resolved itself into the committee of the whole on articles on legislative department, with Mr. Olney, in the chair; after sometime spent therein, the convention rose and the President resumed the chair, and the chairman, Mr. Olney, reported that the committee having had under consideration the article on legislative department having made progress therein, and ask leave to sit again.

Mr. Olney gave notice that he would on to-morrow offer an amendment to Rule 17, to change the time of limiting speakers from twenty minutes to ten minutes.

On motion the convention adjourned.

TUESDAY, SEPTEMBER 8, 1857.

8 o'clock A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Applegate, Cox of Marion, Coyle, Cox of Lane, Campbell of Lane, Campbell of Clackamas, Fitzhugh, Hoult, Kelsey, Kinney, Kelly, Lewis, Logan, Moores, Matzger, McCormick, Packwood, Reed, Short, Shannon, Shattuck, Williams, White and Watkins.

The journal of yesterday was read and approved.

Mr. Logan, presented a petition of Martin Hall and others, relative to a prohibitory liquor law.

On motion of Mr. Logan, the petition was referred to Committee on Judicial Department.

Mr. Olney, pursuant to previous notice, offered the following resolution:

Resolved, That Rule 17 be so amended as to limit the time of speaking to five minutes instead of twenty minutes as provided in said rule.

Mr. Olney, moved to lay said resolution on the table, which was decided in the negative.

The question recurring upon the adoption of said resolution:

The yeas and nays being demanded resulted as follows:

Yeas—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Crooks, Chadwick, Dryer, Duncan, Elkins, Fitzhugh, Grover, Hoult, Lovejoy, Miller, Meigs, Nichols, Newcomb, Olney,

Peebles, Prim, Robbins, Shannon, Smith, Shields, Scott, Starkweather, Whitted and Mr. President—30.

Nays—Messrs. Anderson, Farrar, Hendershott, Logan, Marple, Mc Bride, Olds, Packwood, Waymire, Watts and Watkins—11.

So the resolution was adopted.

Mr. Bristow, offered the following resolution:

Resolved, That no new county shall be created by the Legislative Assembly of this State, and organized by the people of said county, unless the same shall contain an area of five hundred square miles.

On motion of Mr. Bristow, the resolution was laid on the table.

On motion of Mr. Olney, the convention resolved itself into a committee of the whole, on article on legislative department, with Mr. Olney in the chair; after some time spent therein, the committee rose, and the president resumed the chair; and the chairman, Mr. Olney, reported that the committee having had under consideration the article on legislative department, report the same back to the convention with sundry amendments.

On motion of Mr. Peebles, the convention took a recess.

AFTERNOON SESSION.

2 o'clock P. M.

On motion of Mr. Lovejoy, the convention resolved itself into the committee of the whole on article on bill of rights, with Mr. Lovejoy in the chair; after some time spent therein, the committee rose and the president resumed the chair, and the chairman, Mr. Lovejoy, reported that the committee having had under consideration the article on bill of rights, having made progress therein, and ask leave to sit again.

On motion of Mr. Smith, the convention adjourned.

WEDNESDAY, SEPTEMBER 9, 1857.

8 o'clock A. M.

The convention met pursuant to adjournment.

The roll being called, all members present except Messrs. Applegate, Anderson, Brattain of Linn, Bristow, Cox of Marion, Coyle, Campbell of Lane, Kelsey, Kinney, Kelly, Logan, Marple, McCormick, Newcomb, Packwood, Reed, Shannon, Shattuck, Scott, Starkweather, Williams, White, Watkins and Whitted.

The journal of yesterday was read and approved.

Mr. Burch offered the following resolution, which was adopted:

Resolved, That a committee of seven be appointed on finance.

The amendments as reported from the committee of the whole on yesterday on article on legislative department, were taken as follows:

First amendment—Section 2, line first, strike out the word "fifteen" and insert the word "sixteen;" also insert the word "two" after the word "thirty."

Second amendment, fourth line, same section after the word "keeping" insert the words "near as may be."

Third amendment—In line second, same section, strike out the words "for the term of five years from the time of the adoption of this constitution, "and insert the words," until the year 1860.

Fourth amendment—Section 4, the blank was filled in third line with the word "first."

Fifth amendment—Section 4, third line, by striking out the word "meeting" and insert the word "session."

Sixth amendment—Section 5, by striking out the words "its second session after the adoption of this constitution," in first line, and insert the words "in the year one thousand eight hundred and sixty-five."

Seventh amendment—Section 5, second line, strike out the word "five" and insert the word "ten."

Eighth amendment—Section 6, first and second line, by striking out the words "each period of making such," and insert before the word "enumeration" the word "an" and after enumeration the words "of the inhabitants" by the United States or State.

Ninth amendment—Section 6, in eighth and ninth lines, strike out the words "now established."

Tenth Amendment—Section 6, eighth line, after the word "entitled" insert the word "to."

Eleventh amendment—Section 9, lines four and five, strike out the words "any speech or," and insert the words "uttered in."

Twelfth amendment—Section 10, line second, strike out the words "first Monday of November," and insert the words "second Monday of September."

Thirteenth amendment—Section 10, line second, the blank was filled with the word "eight"

Fourteenth amendment—Section 10, by striking out all after the word "law" in third line.

Fifteenth amendment—Section 10, line third, strike the words "or place."

Sixteenth amendment—Section 10, by the adding the following: "but the governor may by proclamation convene the legislative assembly at any other place in case the seat of government shall become dangerous from disease or a common enemy."

Seventeenth amendment—Section 11, lines one and two, by striking out the words in parenthesis, (to-wit: "the president of the senate excepted.")

Eighteenth amendment—Section 11, line second, insert the word "of" after "judge."

Nineteenth amendment—Section 11, line third, strike out the word "set" and insert the word "sit."

Twentieth amendment—Section 13, line first, strike out the words "and publish the same."

Twenty-first amendment—Section 23, by striking out the thirteenth and fourteenth clause.

Twenty-second amendment—Section 23, by striking out fourth clause.

Twenty-third amendment—Section 24, by striking out the entire section.

Twenty-fourth amendment—Section 25, line second, by inserting after the word "after" the words "or existing at."

Twenty-fifth amendment—Section 29, lines one and two, strike out from the word "until" to the word "except," and insert the words ninety days after end of the session, at which it shall have been passed."

Twenty-sixth amendment—Section 30, line five, strike out the word "thirty" and insert the word "twenty."

Twenty-seventh amendment—Section 30, line third, strike out the word "eighty" and insert the word "twenty."

Twenty-eighth amendment—Section 30, lines six and seven, strike out the word "speaker" and insert the words "presiding officers of the legislative assembly shall in virtue of their offices receive an additional compensation equal to two-thirds of their per diem allowance as members"

Twenty-ninth amendment—Section 32, line thirteenth, strike out the word "fourth" and insert the word "eighth."

Thirtieth amendment—By striking out the word "general" wherever it occurs before "assembly," and insert the word "legislative" in lieu thereof.

Thirty-first amendment—Additional sections added to the article as follows: Section 34. Acts making appropriations for the pay of the members and officers of the Legislative Assembly and for the salaries of the officers of the government shall not contain a provision upon any other subject.

Thirty-second amendment—Section 35. No money shall be drawn from the treasury but in pursuance of appropriations made by law, and an accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at the end of each session of the Legislative Assembly.

Thirty-third amendment—Section 36. The Legislative Assembly

shall provide by law for the election by the electors of the State, of a public printer, to hold his office for the term of four years, who shall perform all the public printing for the State which may be provided for by law, and who shall give such security as the Legislative Assembly shall prescribe. The rates to be paid for such printing shall be fixed by law, and shall not be increased or diminished during the term of office for which such public printer shall have been elected. All stationery required by the State shall be furnished by the lowest responsible bidder under such regulations as may be provided by law; but no member of the Assembly or State officer shall be interested in any such bid or contract.

The first, second and third amendments were passed over.

The fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth and twenty-first amendments were severally adopted.

The twenty-second amendment was disagreed to.

The twenty-third amendment was disagreed to.

The twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth and thirty-first amendments were severally adopted.

Thirty-second amendment, by adding an additional section No. 35, was committed to Committee on Finance.

The thirty-third amendment, by adding an additional section No. 36, was committed to Committee on Executive Department.

On motion of Mr. Smith, the article on legislative department was laid on the table.

On motion of Mr. Dryer, the convention resolved itself into the committee of the whole, on the minority report of article on education and school lands, with Mr. Dryer in the chair; after some time spent therein, the committee rose and the President resumed the chair, and the chairman, Mr. Dryer, reported that the committee having had under consideration the minority article on education and school lands, report the same back to the convention, and recommend that it do not pass.

Mr. Olney moved to suspend the rules and take up the article on education and school lands; which motion was withdrawn by the mover.

On motion of Mr. Peebles, the convention resolved itself into the committee of the whole on article on bill of rights, with Mr. Lovejoy in the chair; after some time spent therein, the committee rose and the President resumed the chair, and the chairman, Mr. Lovejoy, reported that the committee having had under consideration the article on bill of rights, having made progress therein, and ask leave to sit again.

On motion of Mr. Burch, the convention took a recess.

AFTERNOON SESSION.

2 O'CLOCK P. M.

Mr. Olney offered the following resolution:

Resolved, That a committee of five be appointed to report any miscellaneous provisions necessary and proper to be inserted in the constitution not belonging to the subjects already referred to committees; which was adopted.

Mr. Bristow moved that two more be added to said committee; which was agreed to.

On motion of Mr. Lovejoy, the convention resolved itself into the committee of the whole on article on bill of rights, with Mr. Lovejoy in the chair; after some time spent therein, the committee rose and the President resumed the chair, and the chairman, Mr. Lovejoy, reported that the committee having had under consideration the article on bill of rights, having made progress therein, and ask leave to sit again.

On motion of Mr. Watts, the convention adjourned.

THURSDAY, SEPTEMBER 10, 1857.

8 O'CLOCK A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Applegate, Anderson, Bristow, Cox of Marion, Coyle, Campbell of Lane, Duncan, Farrar, Kelsey, Lewis, Marple, Miller, Olney, Peebles, Packwood, Shrum, Shattuck, Starkweather, Williams and Watkins.

The journal of yesterday was read and approved.

The President announced the appointment of committees as follows:

Committee on Finance—Messrs. Burch, Whitted, Kelly, Elkins, Bristow, Newcomb and Grover.

Committee on Miscellaneous Provisions—Messrs. Boise, McBride, Crooks, Reed, Dryer, Watts, Olds, Hendershott and Miller.

Mr. Bristow offered the following resolution:

Resolved, That the committee of the whole be discharged from the further consideration of any business pending in this body; which was decided in the negative.

On motion of Mr. Dryer, the convention resolved itself into the committee of the whole on article on bill of rights, with Mr. Lovejoy in the chair; after some time spent therein, the committee rose, and the President resumed the chair; and the chairman, Mr. Lovejoy, reported that the committee having had under consideration the article on bill

of rights, report the same back to the convention with sundry amendments.

On motion of Mr. Williams, the convention resolved itself into the committee of the whole on article on suffrages and elections, with Mr. Williams in the chair; after some time spent therein, the committee rose, and the President resumed the chair, and the chairman, Mr. Williams, reported that the committee having had under consideration the article on suffrages and elections, having made progress therein, and ask leave to sit again.

On motion of Mr. Watts, the convention took a recess.

AFTERNOON SESSION.

2 O'CLOCK P. M.

On motion of Mr. Williams, the convention resolved itself into the committee of the whole on article on suffrages and elections, with Mr. Williams in the chair; after some time spent therein, the committee rose and the President resumed the chair, and the chairman, Mr. Williams, reported that the committee having had under consideration the article on suffrages and elections, having made progress therein, and ask leave to sit again.

On motion of Mr. Burch, the convention adjourned.

FRIDAY, SEPTEMBER 11, 1857.

8 O'CLOCK A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Applegate, Anderson, Boise, Cox of Marion, Coyle, Campbell of Lane, Campbell of Clackamas, Chadwick, Lewis, Moores, Olney, Peebles, Packwood, Shrum, Shattuck and Starkweather.

The journal of yesterday was read and approved.

Mr. Grover from select committee on schedule reported.

The article on schedule was read a first time and passed to a second reading.

On motion of Mr. Grover, the article on schedule was ordered printed.

Amendments from the committee of the whole on article on bill of rights were taken up as follows:

First amendment—Section 6, by striking out all after the word "for,"

in first line, and insert the words "the benefit of any religious or theological institutions."

Second amendment—Section 10, by striking out the entire section.

Third amendment—Section 12, by striking out the word "tribunal," in first line, and insert the word "court" in lieu thereof.

Fourth amendment—Section 15, by striking out the entire section.

Fifth amendment—Section 19, by adding at the close of the section the words "under the direction of the court as to the law, and the right of new trial as in civil cases."

Sixth amendment—Section 22, first line, after the word "fraud," insert the words "or absconding debtors."

Seventh amendment—Section 24, by striking out all after the word "passed" in first line.

Eighth amendment—Section 27, by striking out the word "or" in the second line, before the word "given," and insert the word "or" before the word "adhering," in first line.

Ninth amendment—Section 34, first line, by inserting the word "white" before the word "foreigners."

Tenth amendment—Section 34, by adding to the end of the section the words "and the Legislative Assembly shall have power to restrain and regulate the immigration to this State of persons not qualified to become citizens of the United States."

The first amendment was taken up, and the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Brattain of Lane, Boise, Burch, Cox of Lane, Campbell of Clackamas, Dryer, Duncan, Elkins, Farrar, Hendershott, Kelsey, Kinney, Kelly, Lovejoy, Logan, Marple, Matzger, Meigs, McBride, Nichols, Olds, Prim, Short, Smith, Scott, Williams, White, Watts, Watkins and Whitted—31.

Nays—Messrs. Brattain of Linn, Bristow, Babcock, Crooks, Chadwick, Fitzhugh, Grover, Hoult, Miller, Newcomb, Reed, Shannon, Shields, Waymire and Mr. President—15.

So the amendment was agreed to.

The second and third amendments were severally agreed to.

The fourth amendment was disagreed to.

The fifth amendment was taken up, and the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Bristow, Burch, Cox of Lane, Campbell of Clackamas, Chadwick, Dryer, Duncan, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kelsey, Kelly, Lovejoy, Logan, Marple, Matzger, Meigs, McBride, McCormick, Nichols, Newcomb, Olds, Prim, Reed, Short, Smith, Shields, Scott, Starkweather, Williams, White, Watts, Watkins, Whitted and Mr. President—39.

Nays—Messrs. Brattain of Linn, Brattain of Lane, Babcock, Boise, Crooks, Kinney, Miller, Shannon and Waymire—9.

So the amendment was agreed to.

The sixth amendment was agreed to.

The seventh amendment was taken up and the yeas and nays being demanded resulted as follows:

Yeas—Messrs. Bristow, Brattain of Lane, Dryer, Farrar, Hoult, Hendershott, Kelsey, Kelly, Logan, Matzger, McBride, Nichols, Olds, Short, Starkweather, Williams, White, Watts and Watkins—19.

Nays—Messrs. Anderson, Brattain of Linn, Babcock, Boise, Burch, Crooks, Cox of Lane, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Kinney, Lovejoy. Marple, Miller, Meigs, McCormick, Newcomb, Prim, Reed, Shannon, Smith, Shields, Scott, Waymire, Whitted and Mr. President—29.

So the amendment was disagreed to.

The eighth, ninth and tenth amendments were severally agreed to.

Mr. Williams moved to amend Section sixth as follows:

Nor shall any money be appropriated for the payment of any religious services, in either house of the legislative assembly.

The yeas and nays being demanded resulted as follows:

Yeas—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Crooks, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Lovejoy, Miller, McCormick, Reed, Shannon, Smith, Shields, Scott, Waymire, Williams, Whitted and Mr. President—26.

Nays—Messrs. Campbell of Clackamas, Dryer, Farrar, Kelsey, Kinney, Kelly, Lewis, Logan, Marple, Matzger, Meigs, McBride, Nichols, Newcomb, Olds, Prim, Short, Starkweather, White, Watts, and Watkins—21.

So the amendment was adopted.

Mr. Olds, moved to amend by adding Section tenth in lieu of one stricken out from bill of rights, as follows:

"No state officer, or member of the legislative assembly of this State, shall receive a fee, or be engaged as council, agent or attorney, in any case or claim against this State."

Which amendment was agreed to.

Mr. Cox of Lane, moved to reconsider the vote by which the amendment of the committee of the whole to Section 24 was lost.

Mr. Burch moved the previous question; the question being, Shall the main question be now put? which was decided in the affirmative.

The question being taken upon a reconsideration of the vote, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Bristow, Brattain of Lane, Cox of Lane, Dryer, Farrar, Hendershott, Kelsey, Kinney, Kelly, Lewis, Logan, Marple, Moores, Matzger, McBride, Nichols, Olds, Short, Scott, Starkweather, Williams, White, Watts and Watkins—24.

Nays—Messrs. Anderson, Brattain of Linn, Babcock, Boise, Burch,

Crooks, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Grover, Hoult, Lovejoy, Miller, Meigs, McCormick, Newcomb, Peebles, Reed, Shannon, Smith, Shields, Waymire, Whitted and Mr. President—25.

So the motion to reconsider was not agreed to.

Mr. Grover moved to amend Section twenty-four, third line, by adding after the word "constitution" the following: "provided that laws, locating the capital of the State, locality, county seats and submitting town and city corporate acts and other local and special laws, may take effect or not, upon a vote of the electors interested.

Mr. Logan moved to amend the amendment, by inserting after the word "acts" the words "prohibitory" liquor law.

Mr. Bristow moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question being taken upon the amendment to the amendment, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Brattain of Lane, Dryer, Farrar, Kelsey, Kinney, Kelly, Lewis, Logan, Moores, Matzger, Meigs, McBride, Olds, Short, Scott, Starkweather, White, Watts and Mr. President—20.

Nays—Messrs. Brattain of Linn, Bristow, Babcock, Boise, Burch, Crooks, Cox of Lane, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Lovejoy, Marple, Miller, McCormick, Newcomb, Peebles, Prim, Reed, Shannon, Smith, Shields, Waymire, Williams, Whitted and Mr. President—30.

So the amendment to the amendment was decided in the negative.

Mr. Farrar moved to lay the amendment of Mr. Grover on the table; which was decided in the negative.

The question recurring upon the adoption of the amendment offered by Mr. Grover, the yeas and nays being demanded resulted as follows:

Yeas—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Boise, Burch, Crooks, Cox of Lane, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kelsey, Kinney, Kelly, Lewis, Lovejoy, Logan, Marple, Miller, Moores, Matzger, Meigs, McBride, McCormick, Nichols, Newcomb, Peebles, Prim, Shannon, Smith, Shields, Scott, Starkweather, Waymire, Williams, Watts, Watkins, Whitted, and Mr. President—45.

Nays—Messrs. Babcock, Dryer, Olds, Reed, Short, and White—6.

So the amendment was decided in the affirmative.

Mr. McBride moved to amend by adding a section marked Section 10. "There shall be neither slavery nor involuntary servitude within the State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted.

Mr. Farrar moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question being upon the adoption of the amendments the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Dryer, Meigs, McBride, Olds, Short, Scott, White, Watts and Watkins—10.

Nays—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Crooks, Cox of Lane, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kelsey, Kinney, Lewis, Lovejoy, Logan, Marple, Miller, Moores, Matzger, McCormick, Nichols, Newcomb, Peebles, Prim, Reed, Shannon, Smith, Shields, Starkweather, Waymire, Williams, Whitted and Mr. President—40.

So the amendment was decided in the negative.

On motion of Mr. Lovejoy, the article on bill of rights was ordered to be engrossed and read a third time on Saturday next.

On motion of Mr. Lovejoy, the convention resolved itself into the committee of the whole on article on suffrages and elections, with Mr. Williams in the chair; after some time spent therein, the committee rose and the President resumed the chair, and the chairman, Mr. Williams, reported that the committee having had under consideration the article on suffrages and elections, having made progress therein, and ask leave to sit again.

On motion of Mr. Watts, the convention took a recess.

AFTERNOON SESSION.

2 O'CLOCK P. M.

On motion of Mr. Bristow, the convention resolved itself into the committee of the whole, with Mr. Williams in the chair; after some time spent therein, the committee rose and the President resumed the the chair, and the chairman, Mr. Williams, reported that the committee having had under consideration the articles on suffrages and elections and education and school lands, report the same back with sundry amendments.

On motion of Mr. Peebles, the convention adjourned.

SATURDAY, SEPTEMBER 12, 1857.

9 O'CLOCK A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Applegate, Babcock, Burch, Cox of Marion, Coyle, Cox of Lane, Campbell of Lane, Dryer, Kelsey, Kinney, Matzger, Meigs, McBride, Olney, Prim, Robbins, Smith, Shrum, Shattuck, Starkweather, Watts and Watkins.

The journal of yesterday was read and approved.

Mr. Burch from select committee on finance made a report.

The article on finance was read a first time and passed to a second reading.

On motion of Mr. Grover, the article on finance was ordered printed.

Mr. Logan offered the following resolution:

Resolved, That the location of the seat of government of the State of Oregon be submitted to a direct vote of the people as follows, to-wit: At the time the constitution is submitted to the people for ratification a vote shall also be taken upon the following places for seat of government, to-wit: Salem, Corvallis and Eugene City; and at the several elections in 1858 the two of said places receiving the largest number of votes shall again be submitted to a vote of the people, and the place receiving the highest number of votes shall be the seat of government of the State of Oregon.

On motion of Mr. Logan, the resolution was laid on the table.

Amendments reported from the committee of the whole, on article on suffrages and elections, were taken up as follows:

First amendment—Section 2, line six, by adding after the words "United States," the words "one year preceding such election."

Second amendment—Section 3, line two, by striking out all after the word "conviction," and insert the words "of any crime which is punishable by imprisonment in the penitentiary."

Third amendment—Section 6, by inserting after the word "negro" the word "Chinaman."

Fourth amendment—Section 10, by striking out all after the word "lucrative," in fifth line.

Fifth amendment—Section 10, line second, by striking out the word "general," and insert the word "legislative."

Sixth amendment—Section 10, line four, by striking out the word "deputy."

Seventh amendment—Section 14, line second, by striking out the words "first Monday in September," and insert the words "third Tuesday in June."

Eighth amendment—Section 14, line two, by striking out the word "annually," and insert the word "biennially."

Ninth amendment—Section 14, line first, by striking out the word "of," and insert the word "for.'

Tenth amendment—Section 15, line first, by striking out the word "general," and insert the word "legislative."

Eleventh amendment—Section 17, line first, by striking out the word "may," and insert the word "shall."

Twelfth amendment—Section 17, line first, by striking out the word "any," and insert the word "the."

The foregoing amendments from Nos. 1 to 12, inclusive, were severally adopted.

Mr. Marple moved to amend Section 5, line third, by striking out all after the word "same;" which was disagreed to.

Mr. Williams moved to amend Section 14, by striking out all after the words "Section 14," and insert "General elections shall be held on the third Tuesday of June, biennally."

Mr. Waymire moved to amend the amendment, by striking out the words "third Tuesday of June," and insert the words "first Monday of June."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Bristow, Burch, Campbell of Clackamas, Farrar, Hoult, Kelsey, Kinney, Kelly, Lewis, Lovejoy, Logan, Moores, Matzger, McCormick, Nichols, Olds, Packwood, Short, Shields, Scott, Starkweather, Waymire and White—24.

Nays—Messrs. Anderson, Brattain of Lane, Boise, Crooks, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hendershott, Marple, Miller, Meigs, Newcomb, Peebles, Reed, Robbins, Shannon, Williams, Whitted and Mr. President—21.

So the amendment to the amendment was adopted.

The question being on agreeing to the amendment as amended, and it was agreed to.

Mr. Williams moved to strike out Section 17; which was agreed to.

Mr. Farrar moved to amend Section 15, by striking out all after the word "given," in second line, to the word "until," in fourth line, and insert the words "by ballot."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Farrar, Hendershott, Kinney, Logan, Moores, Nichols, Olds, Packwood, Short, Scott and White—12.

Nays—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Boise, Burch, Crooks, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hoult, Kelsey, Kelly, Lovejoy, Marple, Miller, Matzger, Meigs, McCormick, Newcomb, Peebles, Reed, Robbins, Shannon, Shields, Starkweather, Waymire, Williams, Whitted and Mr. President—32.

So the amendment was disagreed to.

Mr. Farrar moved to amend Section 15, by striking out all after the

word "given," in second line, to the word "but," in fourth line, and insert "as the legislative assembly shall direct."

Mr. Farrar moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the adoption of the amendment, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Brattain of Lane, Farrar, Hendershott, Kinney, Kelly, Lewis, Logan, Moores, Matzger, Nichols, Olds, Packwood, Short, Scott, Starkweather and White—17.

Nays—Messrs. Brattain of Linn, Bristow, Boise, Burch, Crooks, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hoult, Kelsey, Lovejoy, Marple, Miller, Meigs, McCormick, Newcomb, Peebles, Reed, Robbins, Shannon, Smith, Shields, Waymire, Williams, Whitted and Mr. President—29.

So the amendment was disagreed to.

Mr. Farrar moved to amend Section 15, by striking out the word "sixty," in line third, and insert the word "seventy."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Williams and Mr. President—3.

Nays—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Boise, Burch, Crooks, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kelsey, Kinney, Kelly, Lovejoy, Logan, Marple, Miller, Moores, Matzger, Meigs, McCormick, Nichols, Newcomb, Olds, Peebles, Packwood, Reed, Robbins, Short, Shannon, Smith, Shields, Scott, Starkweather, Waymire, White and Whitted—42.

So the amendment was disagreed to.

Mr. Kelly moved to amend Section 15, by striking out all after the words "*viva voce*," in the third line, to the word "until," in the fourth line.

Mr. Bristow moved the previous question.

The question being, Shall the main question be now put? which was decided in the negative.

The question recurring upon the adoption of the amendment, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Bristow, Brattain of Lane, Boise, Campbell of Clackamas, Farrar, Hendershott, Kinney, Kelly, Lewis, Logan, Marple, Moores, Matzger, Nichols, Olds, Packwood, Reed, Robbins, Short, Scott, Starkweather and White—23.

Nays—Messrs. Brattain of Linn, Burch, Crooks, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hoult, Lovejoy, Miller, Meigs, McCormick, Newcomb, Peebles, Shannon, Smith, Shields, Waymire, Williams, Whitted and Mr. President—22.

So the amendment was agreed to.

Mr. Smith moved to lay on the table the article on suffrages and elections; which motion was agreed to.

On motion of Mr. Lovejoy, the rules were suspended and Mr. Smith offered the following resolutions:

Resolved, That it is expedient to submit the mode of voting to the people, in the mode in which the slavery and other questions are to be submitted.

Resolved, That it is expedient to submit the question of a prohibitory liquor law, as prayed for by the petitioners upon that subject, to the people, in the same mode in which the slavery and other questions are to be submitted.

On motion of Mr. Smith, the resolutions were laid on the table.

Amendments reported from committee of the whole on the article of education and school lands were taken up as follows:

First amendment—Section 1, line first, by striking out the words "Secretary of State," and insert the word "Governor."

Second amendment—Section 2, line eleventh, by adding after the word "separate" the words "and irreducible."

Third amendment—Section 2, line eleventh, by adding after the word "fund" the words "if Congress shall consent to such appropriation of the two grants last mentioned.

Fourth amendment—Section 3, by striking out all after the word "schools," in line two.

Fifth amendment—Section 5, by striking out the entire section.

The foregoing amendments from Nos. 1 to 5, inclusive, were severally adopted.

Mr. Peebles moved to amend Section 6, as follows:

Provided, That no part of the University, or of the interest arising therefrom, shall be expended until the fund shall exceed fifty thousand dollars.

Mr. Lovejoy moved to amend the amendment, by striking out the word "fifty," and insert the words "one hundred;" which was withdrawn by the mover.

Mr. Lovejoy moved to amend the amendment, by adding the words "unless the same shall be otherwise disposed of by the consent of Congress for common school purposes;" which was accepted.

Mr. Williams moved to amend the amendment of Mr. Peebles, by striking out the words "the funds shall exceed fifty thousand dollars," and insert the words "the period of ten years from the adoption of this constitution."

Mr. Farrar moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the adoption of the amendment, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Burch, Campbell of Clackamas, Elkins, Farrar, Grover, Hoult, Hendershott, Kelly, Lewis, Lovejoy, Marple, Moores, Matzger, Meigs, Nichols, Olds, Robbins, Short, Scott, Starkweather, Waymire, Williams and Mr. President—26.

Nays—Messrs. Anderson, Boise, Crooks, Chadwick, Fitzhugh, Kelsey, Kinney, McBride, McCormick, Newcomb, Peebles. Packwood, Shannon, Shields, White and Whitted—16.

So the amendment to the amendment was agreed to

The question recurring upon the adoption of the amendment as amended, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Boise, Burch, Crooks, Campbell of Clackamas, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kinney, Kelly, Lewis, Lovejoy, Marple, Moores, Matzger, Meigs, McBride, McCormick, Nichols, Newcomb, Olds, Peebles, Packwood, Robbins, Short, Shannon, Shields, Scott, Starkweather, Waymire, Williams and Mr. President—37.

Nays—Messrs. Anderson, Chadwick, White and Whitted—4.

So the amendment as amended was agreed to.

On motion of Mr. Lovejoy, the article on education and school lands, was ordered to be engrossed and read a third time on Tuesday next.

Mr. Bristow moved to take from the table the resolution in regard to size of counties, and refer the same to the Committee on Miscellaneous Provisions, which was agreed to.

Mr. Boise moved to take from the table the article on legislative department, which was agreed to.

The article on legislative department was then taken up

Mr. Farrar moved to amend section twenty-fifth, line second, by inserting after the word "after," the words "or existing at the time of" which was agreed to.

Mr. Logan moved a call of the house; the roll being called through, the following members failed to answer to their names:

Messrs. Applegate, Babcock, Burch, Coyle, Cox of Lane, Campbell of Lane, Dryer, Duncan, Hoult, Kinney, Lovejoy, Miller, Newcomb, Olney, Prim, Reed, Smith, Shrum, Shields, Shattuck, Williams, Watts and Watkins.

Mr. Logan moved that the sergeant-at-arms be ordered to bring in absent members, which motion was agreed to.

Mr. Whitted moved to take a recess, which was disagreed to.

Mr. Lovejoy moved to dispense with the further call of the house, which was agreed to.

The amendments pending from committee of the whole on article on legislative department, Section second, were taken up as follows:

First amendment—Section 2, line one, strike out the word "fifteen" and insert the word "sixteen," which was agreed to.

Second amendment—Section 2, by inserting the word "two" after the word "thirty."

Mr. Grover moved to amend the amendment by striking out the word "two" and insert the word "four," which was agreed to.

The amendment as amended was adopted.

Third amendment—Section 2, line four, after the word "keeping" insert the words "as near as may be," which was agreed to.

Fourth amendment—Section 2, line two, by striking out the words "for the term of five years from the time of the adoption of this constitution," and insert the words "until the year one thousand eight hundred and sixty, which was agreed to.

Mr. Williams moved to strike out Section 32.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Boise, Crooks, Campbell of Clackamas, Farrar, Grover, Hoult, Hendershott, Kinney, Kelly, Lewis, Lovejoy, Logan, Marple, Moores, Matzger, Meigs, McBride, Nichols, Newcomb, Peebles, Packwood, Short, Scott, Starkweather and White—29.

Nays—Messrs. Burch, Chadwick, Elkins, Fitzhugh, McCormick, Olds, Robbins, Shannon, Waymire, Williams, Whitted and Mr. President—12.

So the motion was agreed to.

On motion of Mr. Boise, the article on legislative department was ordered to be engrossed and read a third time on Tuesday next.

Mr. Williams offered the following resolution:

Resolved, That one hundred copies of each article as engrossed be printed for the use of the convention, which was adopted.

Mr. Meigs moved to take from the table the article on corporations and internal improvements, which was agreed to.

The article on corporations and internal improvements was then taken up.

Mr. Elkins moved to recommit the article to the Committee on Corporations and Internal Improvements, with instructions to strike section three and correct clerical errors; pending which, Mr. Bristow moved the previous question. The question being, Shall the main question be now put? which was decided in the negative.

A division of the question on the motion of Mr. Elkins was granted.

The question being upon instructing the committee to strike out section three, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Bristow, Elkins, Grover, Hoult, Kelly, Matzger, Meigs, Peebles, Robbins, Shannon, Shields, Starkweather, and Williams—13.

Nays—Messrs. Anderson, Brattain, of Linn, Brattain of Lane, Boise,

Burch, Crooks, Campbell of Clackamas, Chadwick, Fitzhugh, Farrar, Hendershott, Kelsey, Kinney, Lovejoy, Logan, Marple, Moores, Mc Bride, McCormick, Nichols, Newcomb, Olds, Packwood, Short, Scott, Waymire, White, Whitted and Mr. President—29.

So the motion was disagreed to.

Mr. Williams moved to strike out the word " only " in section three line third.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Bristow, Boise, Burch, Crooks, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Kinney, Kelly, Marple, Moores, Matzger, Meigs, Nichols, Peebles, Robbins, Shannon, Shields, Starkweather, Willliams, Whitted and Mr. President—27.

Nays—Messrs. Anderson, Brattain of Linn, Brattain of Lane, Farrar, Lewis, Lovejoy, Logan, McBride, McCormick, Newcomb, Olds, Packwood, Short, Scott, Waymire and White—16.

So the motion was agreed to.

The question recurring upon the motion of Mr. Elkins to refer the article on corporations and internal improvements to the committee on the same to correct all the clerical errors, which motion was agreed to.

On motion of Mr. Farrar, the convention took a recess.

AFTERNOON SESSION.

2 O'CLOCK P. M.

Mr. Logan, offered the following resolution:

Resolved, That it is the sense of this convention, that the members of this convention were in no event to receive either from the State or Territory any pay or compensation for their services, but do expect and intend to receive compensation alone from the Federal Government.

Mr.————moved that the resolution be laid on the table.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Brattain of Lane, Boise, Campbell of Clackamas, Grover, Hoult, Hendershott, Kelly, Lovejoy, Marple, Moores, Matzger, Meigs, Peebles, Robbins, Short and Shields—17.

Nays—Messrs. Brattain of Linn, Farrar, Kinney, Logan, McCormick, Nichols, Newcomb, Olds, Shannon, Scott, Williams, White and Mr. President—13.

So the resolution was laid on the table.

Mr. Boise, from the Committee on Seat of Government, made a report.

The article on seat of government was read a first time and passed to a second reading.

Mr. Grover, from the Committee on Bill of Rights, reported the article as truly engrossed.

The Article on Bill of Rights was read a third time, and Mr. Logan moved to recommit the article to the Committee on Bill of Rights, with instructions to strike out so much of Section six, as relates to chaplain.

Mr. Farrar moved to amend the amendment so as to restore Section sixteen, which was not agreed to.

The question recurring upon the motion to recommit, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Campbell of Clackamas, Farrar, Kinney, Logan, Marple, Moores, Nichols, Olds, Short, Shattuck, and White—11.

Nays—Messrs. Anderson, Brattain of Linn, Brattain of Lane, Boise, Chadwick, Duncan, Fitzhugh, Grover, Hoult, Kelsey, Lovejoy, Meigs, McCormick, Newcomb, Peebles, Packwood, Robbins, Shannon, Shields, Scott, Starkweather, Williams, Whitted and Mr. President—24.

So the motion was not agreed to.

The question recurring upon the final passage of the Article on Bill of Rights as read, the yeas and yeas being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Brattain of Lane, Boise, Chadwick, Duncan, Fitzhugh, Grover, Hoult, Kelsey, Kinney, Lovejoy, Marple, Moores, Meigs, McCormick, Newcomb, Olds, Peebles, Robbins, Shannon, Shields, Starkweather, Williams, Whitted and Mr. President—25.

Nays—Messrs. Anderson, Campbell of Clackamas, Farrar, Logan, Nichols, Packwood, Short, Shattuck, Scott and White—10

So the Article on Bill of Rights was passed.

Mr. Lovejoy moved to adjourn, which was disagreed to.

Mr. Meigs, from Committee on Corporations and Internal Improvements, reported the article as truly engrossed.

On motion of Mr. Lovejoy, the rules were suspended and the article on corporations and internal improvements was read a third time.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Brattain of Lane, Boise, Campbell of Clackamas, Chadwick, Duncan, Fitzhugh, Farrar, Grover, Hoult, Kelsey, Kelly, Lovejoy, Marple, Moores, Meigs, McCormick, Nichols, Newcomb, Olds, Peebles, Robbins, Shannon, Shattuck, Scott, Starkweather, Williams, White and Whitted—29.

Nays—Messrs. Anderson, Kinney, Logan, Packwood and Mr. President—5.

So the Article on Corporations and Internal Improvements was passed.

Mr. Peebles moved to adjourn, which was disagreed to.

Mr. Lovejoy moved that the Convention resolve itself into the committee of the whole, which was disagreed to.

Mr. Marple asked leave to place on the journal his protest in relation to bill of rights.

Mr. Williams moved to amend by placing with the protest, his speech upon the article on bill of rights, which amendment was agreed to.

The question recurring upon granting leave to Mr. Marple to enter his protest upon the journal, which was disagreed to.

Mr. Farrar moved to adjourn, which was disagreed to.

Mr. Grover moved that the committee of the whole be discharged from the further consideration of the article on judicial department, which was agreed to.

On motion of Mr. Logan, the convention adjourned until Monday 8 o'clock A. M.

MONDAY, SEPTEMBER 14, 1857.

8 O'CLOCK A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Applegate, Anderson, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Lane, Chadwick, Dryer, Elkins, Kinney, Lewis, Miller, McBride, Olney, Peebles, Prim, Packwood, Reed, Robbins, Short, Smith, Shannon, Shrum, Shields, Waymire, Williams, Watts, and Watkins.

The journal of Saturday, was read and approved.

Mr. Lovejoy, from Committee on Boundaries, made a report on the same. The article on boundaries was read as amended on second reading.

Mr. Meigs, from Committee on Boundaries, made a minority report. The minority article on boundaries was read a second time.

Mr. Kelly, from Committee on Executive Department, made a supplemental report.

On motion of Mr. Kelly, the reading of the supplemental article on administrative department was dispensed with.

Mr. Kelly moved to reconsider the vote by which the article on administrative department was passed, which motion was disagreed to.

Mr. Grover moved that the rules be suspended, and the Supplemental article on administrative department be read a second time now.

The supplemental article on administrative department was read a second time, and on motion of Mr. Grover, the supplemental article on

administrative department was recommitted to Committee on Executive Department with instructions to strike out so much of the same as conflicts with the article on administrative department and report the same back to the convention.

The article on judicial department was taken upon its second reading and was read throughout.

Mr. Matzger moved to amend Section twenty, line four, by striking out all after the word "the" and insert, "time which I may serve," which was disagreed to.

Mr. Kelly moved that the article on judicial department be referred to the committee of the whole, which motion was withdrawn by the mover.

Mr. Chadwick moved to amend Section twenty, line five, by striking out the words, "and for one year thereafter," which amendment was agreed to.

Mr. Matzger, moved to amend Section twenty, line three, by inserting after the word "supreme" the words "and circuit," which amendment was agreed to.

Mr. McCormick moved to amend Section twenty, line first, by inserting after the word "supreme" the words "and circuit," which amendment was disagreed to.

Mr. Miller moved to amend Section 20, line three, by striking out all after the word "ability."

Mr. Shattuck moved the previous question. The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the adoption of the amendment, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Chadwick, Duncan, Fitzhugh, Grover, Hendershott, Kelsey, Kinney, Kelly, Lovejoy, Miller, Peebles, Shannon, Shields, Shattuck and Scott—15.

Nays—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Campbell of Clackamas, Farrar, Hoult, Lewis, Logan, Marple, Moores, Matzger, Meigs, McCormick, Nichols, Olds, Packwood, Robbins, Starkweather, Williams, White, Whitted and Mr. President—25.

So the amendment was not agreed to.

Mr. Bristow moved to amend Section 20, by adding the letter "s" after the word "court" wherever it occurs, which amendment was agreed to.

Mr. Olds moved to amend Section 14, line first, by striking out all after the words "years," and insert the words "whose duties shall be proscribed by law, however, the legislative assembly may confer on said clerk the office of auditor and recorder of said county," which amendment was disagreed to.

Mr. Marple moved to amend Section 20, line four, by striking out all after the word "offices" in line four, to the end of the sentence, and insert "to which I may have been elected, or appointed during my continuance in office."

Mr. Matzger moved to amend the amendment by adding "and one year after," which was disagreed to.

The question recurring upon the adoption of the amendment, which was disagreed to.

Mr. Boise moved to amend Section 2, line two, by inserting after the word "thereof," the following: "who shall be citizens of the United States, and who shall have resided in this State at least three years next preceding their election," which was agreed to.

Mr. Kelly moved to reconsider the vote just taken.

Mr. Farrar moved to postpone the motion indefinitely.

Mr. McCormick moved the previous question. The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the motion to postpone indefinitely, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Bristow, Babcock, Boise, Campbell of Clackamas, Chadwick, Duncan, Fitzhugh, Grover, Hoult, Kelsey, Kinney, Lovejoy, Miller, Meigs, Robbins, Shannon, Shields, Whitted and Mr. President—20.

Nays—Messrs. Anderson, Brattain of Lane, Farrar, Hendershott, Kelly, Lewis, Logan, Marple, Moores, Matzger, McCormick, Nichols, Olds, Peebles, Packwood, Shattuck, Scott, Starkweather, Williams, and White—20.

So the motion to postpone indefinitely was disagreed to.

The question recurring upon the adoption of the motion to reconsider, which was disagreed to.

Mr. Chadwick moved to amend Section 3, line two, by inserting after the words "four years" the following: "one in six years and one in eight years, and thereafter one shall be chosen every two years to serve for the term of eight years.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Brattain of Lane, Babcock, Boise, Cox of Marion, Campbell of Clackamas, Chadwick, Grover, Williams, Whitted and Mr. President—11.

Nays—Messrs Anderson, Bristow, Duncan, Fitzhugh, Farrar, Hoult, Hendershott, Kinney, Kelly, Lewis, Lovejoy, Logan, Marple, Miller, Moores, Matzger, Meigs, McCormick, Nichols, Newcomb, Olds, Peebles. Packwood, Robbins. Shannon, Shields, Shattuck, Scott, Starkweather, and White—30.

So the amendment was disagreed to.

Mr. Packwood moved to amend Section 18, line first, after the word

"but," add the word "grand juries shall present the;" after the word "delinquency," strike out the word "in" and insert the word "of" to the word "office;" add the letters "rs," strike out the word "may," where it first occurs in the second line, and insert the words "which shall;" which was disagreed to.

Mr. Lovejoy moved the article on judicial department be engrossed and read a third time to-morrow, which motion was withdrawn by the mover.

Mr. Kelly moved to insert between Sections 9 and 10, the blank section reported by a member of the Committee on Judicial Department, in relation to a supreme court separate from circuit courts.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Bristow, Brattain of Lane, Babcock, Boise, Cox of Marion, Campbell of Clackamas, Duncan, Fitzhugh, Grover, Hoult, Hendershott, Kinney, Kelly, Lewis, Lovejoy, Marple, Miller, Moores, Matzger, Meigs, Nichols, Newcomb, Peebles, Robbins, Shannon, Shields, Shattuck, Williams and Whitted—30.

Nays—Messrs. Brattain of Linn, Farrar, McCormick, Olds, Packwood, Scott, Starkweather, White and Mr. President—9.

So the motion was agreed to.

Mr. Kelly moved to amend Section 14, by adding the following: "But whenever the number of votes in any county shall exceed twelve hundred, the legislative assembly may authorize the election of one person as clerk of the circuit court, one person as clerk of the county court, and one person as recorder of conveyances.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Brattain of Linn, Brattain of Lane, Babcock, Boise, Cox of Marion, Campbell of Clackamas, Duncan, Farrar, Kinney, Kelly, Lewis, Lovejoy, Logan, Marple, Miller, Moores, Matzger, Meigs, McCormick, Nichols, Newcomb, Olds, Peebles, Packwood, Robbins, Shattuck, Scott, Starkweather and White—30.

Nays—Messrs. Bristow, Cox of Lane, Fitzhugh, Hoult, Hendershott, Shannon, Shields, Williams, Whitted and Mr. President—10.

So the amendment was adopted.

Mr. Boise moved to amend Section 19, by adding the following: "The judges of the supreme court shall not, during the term for which they are elected, be eligible to any office within the gift of this State or the United States, except judicial offices;" which amendment was not agreed to.

Mr. Farrar moved to amend Section 10, line first, by striking out the word "four," and insert the word, "two."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Farrar, Hendershott, Kinney, Lewis, Logan, Marple, McCormick, Nichols, Olds, Shannon, Scott and White—13.

Nays—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Cox of Marion, Cox of Lane, Campbell of Clackamas, Duncan, Fitzhugh, Grover, Hoult, Kelly, Lovejoy, Miller, Moores, Matzger, Meigs, Newcomb, Peebles, Packwood, Robbins, Shields, Starkweather, Williams, Whitted and Mr. President—27.

So the amendment was disagreed to.

Mr. Olds moved to amend Section 3, line two by striking out the word "six," and insert the word "four."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Farrar, Hendershott, Kinney, Lewis, Logan, Marple, McCormick, Olds, Shattuck, Scott and White—12.

Nays—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Cox of Marion, Cox of Lane, Campbell of Clackamas, Chadwick, Duncan, Fitzhugh, Grover, Hoult, Kelly, Lovejoy, Miller, Moores, Matzger, Meigs, Nichols, Newcomb, Peebles, Packwood, Robbins, Shannon, Shields, Starkweather, Williams, Whitted and Mr. President—30.

So the amendment was disagreed to.

Mr. Grover moved that the article on judicial department be engrossed and read a third time on to-morrow; which was agreed to.

Mr. Logan moved to take from the table the resolution in regard to pay of members of this convention; which was disagreed to.

Mr. Williams moved to instruct the Committee on Miscellaneous Provisions to report on the mode of amending the constitution; which was agreed to.

Mr. Meigs moved to suspend the rules, so as to allow a motion to take from the table the resolutions in regard to the manner of voting; which was disagreed to.

Mr. Lovejoy moved to suspend the rules, so as to make a motion to take from the table the article on suffrages and elections.

On motion of same, the article on suffrages and elections was taken from the table.

Mr. Kelly moved to amend Section 15, line fourth, by striking out all after the word "direct," in said line; which was agreed to.

On motion of Mr. Lovejoy, the article on suffrages and elections was ordered to be engrossed and read a third time on Wednesday next.

Mr. Cox of Lane moved to take a recess; which was disagreed to.

Mr. Peebles moved to suspend rules, so as to make a motion to take from the table the resolution in regard to pay of delegates; which was disagreed to.

On motion of Mr. Peebles, the convention took a recess.

AFTERNOON SESSION.

2 O'CLOCK P. M.

Mr. Williams from Committee on Judicial Department, made a report in relation to a prohibitory liquor law, which was read, and on motion of Mr. Lovejoy, ordered that two hundred copies of said report be printed.

Mr. Grover moved to suspend rules, so as to take up articles on finance and seat of government; which was agreed to

On motion of Mr. Grover, the article on finance was read a second time.

Mr. Kelly moved to amend by adding a section, marked Section 8, as follows:

Sec. 8. All stationery required for the use of the State shall be furnished by the lowest responsible bidder, under such regulations as may be prescribed by law; but no State officer or member of the Legislative Assembly shall be interested in any bid or contract for furnishing such stationery; which was agreed to

On motion of Mr. Bristow, the article on finance was ordered to be engrossed and read a third time on Wednesday next.

On motion of Mr. Grover, the article on seat of government was read a second time.

On motion of Mr. Kelly, the article on seat of government was referred to the committee of the whole.

On motion of Mr. Lovejoy, the convention resolved itself into the committee of the whole on article on seat of government, with Mr. Lovejoy in the chair; after some time spent therein, the committee rose and the President resumed the chair, and the chairman, Mr. Lovejoy, reported that the committee having had under consideration the article on seat of government, report the same back to the convention with sundry amendments.

Mr. Peebles reported the article on education and school lands as truly engrossed.

On motion of Mr. Peebles, the convention adjourned.

TUESDAY, SEPTEMBER 15, 1857.

8 O'CLOCK A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Babcock, Coyle, Campbell of Lane, Campbell of Clackamas, Chadwick,

Duncan, Hoult, Kelsey, Lewis, Lovejoy, Logan, Marple, McBride, Newcomb, Olney, Peebles, Prim, Packwood, Reed, Robbins, Shrum, Shields, Shattuck, Waymire, White and Whitted.

The journal of yesterday was read and approved.

Mr. Farrar presented a petition of A. A. Durham and others, relative to a prohibitory liquor law.

On motion of Mr. Farrar, the petition was referred to the Committee on Legislative Department.

Mr. Coyle presented a petition of Ezra Fisher and others, relative to a prohibitory liquor law.

On motion of Mr. Lovejoy, the petition was referred to the Committee on Legislative Department.

Mr. Williams reported the article on judicial department as truly engrossed.

Mr. Boise reported the article on legislative department as truly engrossed.

Mr. Burch reported the article on finance as truly engrossed.

Mr. Boise from Committee on Miscellaneous Provisions, made a report of an article.

The article on miscellaneous provisions was read a first time and passed to a second reading.

Mr. Grover offered the following resolution:

Resolved, That a select committee of five be appointed on the enrolled constitution, with instructions to arrange, number, and report the articles thereof for final action.

Mr. Kelly moved to amend the resolution as follows, to-wit: "By authorizing the committee to employ a clerk to enroll the constitution in a fair hand;" which amendment was agreed to.

The question recurring upon the adoption of the resolution as amended, which was adopted.

Amendments from committee of the whole on article on seat of government were taken up as follows:

First amendment—Section 1, by striking out all after the word "but," in second line, to and before the word "adoption," in same line, and insert the words "at the first regular session after."

Second amendment—Section 1, by striking out the word "may," in third line, and insert the word "shall."

Third amendment—Section 1, by adding after the word "State," in fourth line, the words "at the next general election thereafter."

Fourth amendment—Section 2, by adding after the word "and," in second line, the words "sixty-five."

Fifth amendment—Section 2, by inserting after the word "expended," in line first, the words "or debt contracted."

Sixth amendment—Section 3, by filling the blank in line second with the word "twenty."

Seventh amendment—Section 3, by adding the following at the end of the section: *Provided*, That all State institutions hereafter provided for by the Legislative Assembly shall be located at the seat of government.

The first, second, third, fourth, fifth and sixth of the foregoing amendments were severally adopted.

The seventh amendment being read, Mr. Grover moved to amend the amendment as follows: Strike out the words "State institutions," and insert the words "public general institutions of the State;" which was agreed to.

The question recurring upon the adoption of the amendment as amended, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Lewis, Lovejoy, Miller, Moores, Meigs, Newcomb, Peebles, Prim, Shannon, Smith, Shields, Scott, Starkweather, Waymire, Whitted and Mr. President—34.

Nays—Messrs. Anderson, Brattain of Linn, Dryer, Farrar, Kinney, Kelly, Marple, Matzger, McCormick, Nichols, Olds, Packwood, Short, Williams, White and Watkins—16.

So the amendment as amended was agreed to.

Mr. Bristow moved to amend Section 1, by striking out all of said section and insert the following:

Section 1. At the time and places of voting upon the adoption of the constitution, the matter of selection of a place for a permanent seat of government shall also be submitted to the electors of the Territory of Oregon. And it shall be the duty of the judges of election to inquire of each voter at what place he desires the location of the seat of government, and record his vote according to the designation of the voter. It any one place shall receive at such election a majority of all the votes cast, such place shall be the permanent seat of government for twenty years.

Sec. 2. If no point or place shall have received a majority of all the votes cast at the adoption of this constitution, then the two places having received the highest number shall in like manner be again submitted to the electors of the State at the first general election after the adoption of the constitution, and the point or place having received the majority of votes cast for such two places, shall be the permanent seat of government for twenty years. The votes for the location of the seat of government shall be canvassed and returned in the same manner as in elections for Governor.

Mr. Shannon moved the previous question.

The question being, Shall the main question be now put? which was disagreed to.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Bristow, Brattain of Lane, Cox of Lane, Farrar, Hoult, Kelsey, Kinney, Kelly, Lewis, Logan, Moores, Matzger, Nichols, Olds, Packwood, Short, Scott, White and Watkins—20.

Nays—Messrs. Brattain of Linn, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Campbell of Clackamas, Chadwick, Dryer, Elkins, Fitzhugh, Grover, Hendershott, Lovejoy, Marple, Miller, Meigs, McCormick, Newcomb, Peebles, Prim, Robbins, Shannon, Smith, Shields, Starkweather, Waymire, Williams, Whitted and Mr. President—31.

So the amendment was not agreed to.

Mr. Dryer moved to amend Section 1, by striking out all after the words "Section 1," and insert the words "The seat of government shall be at Portland, Multnomah county, and shall not be changed until after the year 1865, when the legislative assembly may permanently establish the same."

Mr. Chadwick moved to amend the amendment, by striking out the word "Portland," and insert the word "Roseburg;" which was not agreed to.

Mr. Bristow moved to amend the amendment by striking out the word "Portland," and insert the words "Eugene City;" which was not agreed to.

Mr. Hendershott moved to amend the amendment, by striking out the word "Portland," and insert the word "Jacksonville;" which was not agreed to.

Mr. Farrar moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the adoption of the amendment, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Dryer, Farrar, Logan, Meigs, McCormick, Olds, Short and White—9.

Nays—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Kinney, Kelly, Lewis, Lovejoy, Marple, Miller, Moores, Matzger, Nichols, Newcomb, Peebles, Prim, Packwood, Robbins, Shannon, Smith, Shields, Scott, Starkweather, Waymire, Williams, Watkins, Whitted and Mr. President—42.

So the amendment was disagreed to.

Mr. Grover moved that the article on seat of government be engrossed and and read a third time on to-morrow.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Campbell of Clackamas, Chadwick, Elkins,

Fitzhugh, Grover, Hendershott, Kelsey, Kelly, Lewis, Lovejoy, Miller, Moores, Meigs, Newcomb, Peebles, Prim, Robbins, Shannon, Smith, Shields, Starkweather, Waymire, Williams, Whitted and Mr. President—32

Nays—Messrs. Anderson, Bristow, Brattain of Lane, Cox of Lane, Dryer, Farrar, Hoult, Kinney, Logan, Marple, Matzger, McCormick, Nichols, Olds, Packwood, Short, Scott, White and Watkins—19.

So the motion was agreed to.

The article on schedule was read a second time.

On motion of Mr. Kelly, the article on schedule was referred to the committee of the whole.

The article on legislative department was read a third time.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelly, Lovejoy, Marple, Miller, Moores, Meigs, McCormick, Nichols, Olds, Peebles, Prim, Robbins, Short, Shannon, Smith, Shields, Starkweather, Waymire, Williams, White, Watkins, Whitted and Mr. President—40.

Nays—Messrs. Dryer, Farrar, Logan, Packwood and Scott—5.

So the article on legislative department was passed.

The article on judicial department was read a third time.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Kelly, Lewis, Lovejoy, Miller, Moores, Matzger, Meigs, McCormick, Nichols, Peebles, Prim, Robbins, Shannon, Smith, Shields, Starkweather, Waymire, Williams, Whitted and Mr. President—38.

Nays—Messrs. Anderson, Farrar, Kinney, Logan, Marple, Olds, Packwood, Scott, White and Watkins—10.

So the article on judiciary was passed.

The article on education and school lands was read a third time.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kelsey, Kinney, Kelly, Lewis, Lovejoy, Logan, Miller, Moores, Matzger, Meigs, McCormick, Nichols, Olds, Peebles, Prim, Packwood, Robbins, Short, Shannon, Smith, Shields, Scott, Starkweather, Waymire, Williams, White, Watkins and Whitted—46.

Nays—Messrs. Dryer, Marple and Mr. President—3.

So the article on education and school lands was passed.

The article on finance was read a third time.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kelsey, Kinney, Kelly, Lewis, Lovejoy, Logan, Marple, Miller, Moores, Matzger, Meigs, McCormick, Nichols, Olds, Peebles, Prim, Packwood, Robbins, Short, Shannon, Smith, Shields, Scott, Starkweather, Waymire, Williams, White, Watkins, Whitted and Mr. President—49.

Nays—Mr. Dryer—1.

So the article on finance was passed.

Mr. Logan moved a call of the house; the roll being called through, the following members failed to answer to their names:

Messrs. Anderson, Babcock, Campbell of Lane, Campbell of Clackamas, Dryer, Duncan, Fitzhugh, Farrar, Matzger, McBride, Newcomb, Olney, Reed, Short, Shrum, Shattuck and Watts.

On motion of Mr. Logan, the further call of the house was dispensed with.

On motion of Mr. Kelly, the President was authorized to erase all the latter part of Section 3, line four, after the words schools in said line, in the article on education and school lands.

Mr. Logan moved to take from the table the resolution in regard to pay of delegates of this convention.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Brattain of Lane, Boise, Burch, Campbell of Clackamas, Dryer, Elkins, Farrar, Kinney, Logan, Marple, Matzger, Nichols, Olds, Peebles, Shannon, Scott, Starkweather, Waymire, White, Watkins, Whitted and Mr. President—23.

Nays—Messrs. Brattain of Linn, Bristow, Babcock, Cox of Marion, Crooks, Coyle, Cox of Lane, Chadwick, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Kelly, Lewis, Lovejoy, Miller, Moores, Meigs, McCormick, Prim, Packwood, Robbins, Short, Smith, Shields and Williams—27.

So the motion was disagreed to.

Mr. Smith moved to reconsider the vote by which the article on judicial department was passed.

Mr. Farrar moved the previous question; the question being, Shall the main question be now put? which was decided in the affirmative.

On motion, the convention took a recess.

AFTERNOON SESSION.

2 O'CLOCK P. M.

Mr. Bristow offered the following resolution:

Resolved, That capital punishment shall not exist in this State, but the legislative assembly may provide for the punishment of crimes by imprisonment in the penitentiary.

Mr. Lovejoy moved to lay the resolution on the table, which was agreed to.

On motion of Mr. Smith, the convention resolved itself into the committee of the whole on the article on the schedule, with Mr. Smith in the chair; after some time spent therein, the committee rose and the President resumed the chair, and the chairman, Mr. Smith, reported that the committee having had under consideration the article on schedule, report the same back with sundry amendments.

The President announced the committee on enrollment and arrangement of the constitution, as follows, to-wit: Messrs. Grover, Boise, Kelly, Williams and Farrar.

On motion of Mr. Burch, the convention adjourned.

WEDNESDAY, SEPTEMBER 16, 1857.

8 O'CLOCK A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Applegate, Brattain of Linn, Boise, Campbell of Lane, Lewis, McBride, Newcomb, Olney, Packwood, Reed, Robbins, Shrum, Shields, Shattuck, Starkweather, Williams and Watts.

The journal of yesterday was read and approved.

Mr. Smith reported the article on suffrages and elections as truly engrossed.

The article on boundaries was taken upon its second reading.

Mr. Peebles moved to refer the article to the committee of the whole, which was disagreed to.

Mr. Lovejoy moved to amend the article on boundaries as follows: by adding to end of Section 1, "but the Congress of the United States, in providing for the admission of the State into the Union, may make the said northern boundary conform to the act creating the Territory of Washington."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Babcock, Boise, Cox of Marion,

Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Farrar, Grover, Hoult, Kelsey, Kelly, Lovejoy, McCormick, Nichols, Newcomb, Prim, Robbins, Smith, Shield, Starkweather, Waymire, Williams, White and Whitted—30.

Nays—Messrs. Anderson, Brattain of Linn, Bristow, Burch, Dryer, Hendershott, Kinney, Logan, Marple, Miller, Matzger, Meigs, Olds, Peebles, Packwood, Short, Shannon, Scott, Watkins, and Mr. President—20.

So the amendment was agreed to.

Mr Kelly to amend Section 1, line ten, by striking out all after the word "beginning" to the word "state," in the eleventh line.

Mr. Smith moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon agreeing to the amendment, which was not agreed to.

Mr. Grover moved to amend Section 1, by inserting between the words "jurisdiction," and the word "upon" in line ten, the words "in civil and criminal cases," which was agreed to.

Mr. Marple moved to amend Section 1, by adding at the end of the section the following: provided, that at such time as the electors of that portion of this State lying south of the Calipooia mountains or a part thereof shall desire to detach the same from this State and unite with a portion of California, in the formation of a new State, they shall be permitted so to do. But no county shall be divided or intercepted by any other county in carrying out this provision.

Mr. Logan moved to amend the amendment, by inserting between the words "thereof" and "shall" the words "whenever the voters of Coos county," which was agreed to.

Mr. Lovejoy, moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the adoption of the amendment as amended, which was not agreed to.

Mr. Boise moved to amend Section 1, line five, by striking out the word "of" after the word opposite.

Mr. Bristow moved to amend the amendment by inserting the word "to" in lieu of the word "of," which was disagreed to.

The question recurring upon the adoption of the amendment, which was agreed to.

Mr. Meigs moved to amend Section 1, by striking out all after the word "beginning" in third line, and insert the minority report on boundary.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Farrar, Meigs, and Watkins—3.

* * *

Nays—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Chadwick, Dryer, Duncan, Elkins, Fitzhugh, Grover, Hoult, Kelsey, Kinney, Kelly, Lovejoy, Logan, Marple, Miller, Moores, Matzger, McCormick, Nichols, Newcomb, Olds, Peebles, Prim, Packwood, Robbins, Short, Shannon, Smith, Shields, Scott, Starkweather, Waymire, Williams, White and Mr. President—46.

So the amendment was not agreed to.

On motion of Mr. Lovejoy, the article on boundaries was ordered to be engrossed and read a third time on to-morrow.

The minority article on boundaries was taken upon its second reading.

On motion of Mr. Smith, the article was postponed indefinitely.

The article on miscellaneous provisions was read a second time, and on motion of Mr. Grover, the article was referred to the committee of the whole.

Mr. Boise reported the article on seat of government as truly engrossed.

The amendment from committee of the whole, on the schedule was taken up as follows:

First amendment—Section 8, line two, by striking out the word "fee" and insert the word "office."

Second amendment—By adding a new Section marked Section 11, as follows: Section 11. Until otherwise provided by law, the judicial districts of the State shall be constituted as follows: The counties of Jackson, Josephine, and Douglas, shall constitute the first district; the counties of Umpqua, Coos and Curry, Lane and Benton, shall constitute the second district; the counties of Linn, Marion, Polk, Yamhill, and Washinton, shall constitute the third district; the counties of Clackamas, Multnomah, Wasco, Columbia, Clatsop, and Tillamook, shall constitute the fourth district, and the county of Tillamook shall be attached to the county of Clatsop, for judicial purposes.

The foregoing amendments Nos. 1 and 2, were severally adopted.

Mr. Bristow moved to amend Section 9, as follows: "but the legislative assembly may provide for the punishment of capital offences by imprisonment in the penitentiary," which was disagreed to.

Mr. Prim moved to amend Section 1, line two, by striking out the word "November" and insert the word "February;" also in same line strike out the figure "7" and insert figure "8."

Mr. McCormick moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the adoption of the amendment.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Burch, Cox of Lane, Chadwick, Duncan, Fitzhugh,

Farrar, Grover, Hendershott, Kelsey, Kelly, Logan, Marple, Miller, Meigs, Newcomb, Prim, Packwood, Scott, Whitted and Mr. President —20.

Nays—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Cox of Marion, Crooks, Coyle, Campbell of Clackamas, Dryer, Elkins, Hoult, Kinney, Lovejoy, Moores, Matzger, McCormick, Nichols, Olds, Peebles, Robbins, Short, Shannon, Smith, Shields, Starkweather, Waymire, Williams, White and Watkins—31.

So the amendment was disagreed to.

Mr. Prim moved to amend Section 6, by striking out the word "June," in line first, and insert the word "February," and strike out the word "July," in line third, and insert the word "April."

Mr. White moved the previous question.

The question being, Shall the main question be now put? pending which, Mr. Logan moved a call of the house; which was agreed to.

The roll being called through, the following members failed to answer to their names: Messrs. Applegate, Bristow, Campbell of Lane, Chadwick, Elkins, Kinney, Lewis, McBride, Newcomb, Olney, Reed, Shrum, Shattuck and Watts.

On motion of Mr. Lovejoy, the further call of the house was dispensed with.

The question recurring upon the motion of Mr. White, to put the main question now, which was decided in the affirmative.

The question recurring upon the adoption of the amendment offered by Mr. Prim, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Burch, Cox of Lane, Chadwick, Duncan, Hendershott, Kelsey, Marple, Miller, Meigs, Prim, Packwood and Whitted —12.

Nays—Messrs. Anderson, Brattain of Linn, Brattain of Lane, Babcock, Boise, Cox of Marion, Crooks, Coyle, Campbell of Clackamas, Dryer, Elkins, Fitzhugh, Farrar, Grover, Hoult, Kinney, Lovejoy, Moores, McCormick, Nichols, Olds, Peebles, Robbins, Short, Shannon, Smith, Shields, Scott, Starkweather, Waymire, Williams, White, Watkins and Mr. President—34.

So the amendment was disagreed to.

On motion of Mr. Grover, the article on schedule was ordered to be engrossed and read a third time on to-morrow.

The article on seat of government was read a third time.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hendershott, Kelly, Lovejoy, Marple, Miller, Moores, Meigs, Peebles, Prim, Robbins, Shannon, Smith, Shields, Starkweather, Waymire, Williams, Whitted and Mr. President—31.

Nays—Messrs. Anderson, Brattain of Lane, Cox of Lane, Dryer,

Farrar, Hoult, Kelsey, Kinney, Logan, Matzger, McCormick, Nichols, Olds, Packwood, Short, Scott, White and Watkins—18.

So the article on seat of government was passed.

The article on suffrages and elections was read a third time.

Mr. Prim moved to refer the article on suffrages and elections back to the committee of the same, with instructions to report a section providing that the county elections be held on a different day from the the general elections; which was disagreed to.

Mr. Farrar moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the final passage of the article on suffrages and elections, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle Cox of Lane, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hoult, Kelsey, Kelly, Lovejoy, Marple, Miller, Moores, Matzger, Meigs, McCormick, Newcomb, Peebles, Robbins, Short, Shannon, Smith, Shields, Scott, Starkweather, Waymire, Williams, White and Whitted—39.

Nays—Messrs. Anderson, Dryer, Farrar, Hendershott, Kinney, Logan, Nichols, Olds, Packwood, Watkins and Mr. President—11.

So the article on suffrages and elections was passed.

On motion of Mr. Smith, the convention took a recess.

AFTERNOON SESSION.

2 o'clock P. M.

Mr. Dryer offered the following resolution, which was adopted:

Resolved, That this convention shall hold evening sessions, commencing at 7 o'clock P. M., from this day until the close of the session.

On motion of Mr. Peebles, the convention resolved itself into the committee of the whole, with Mr. Peebles in the chair; after some time spent therein, the committee rose and the President resumed the chair, and the chairman, Mr. Peebles, reported that the committee having had under consideration the article on miscellaneous provisions, report the same back with sundry amendments.

Mr. Peebles moved to reconsider the vote by which the resolution on holding evening sessions was passed; which was agreed to.

On motion, the convention adjourned.

THURSDAY, SEPTEMBER 17, 1857.

8 O'CLOCK A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Applegate, Brattain of Linn, Boise, Cox of Marion, Campbell of Lane, Duncan, Kelsey, Lewis, Marple, Meigs, McBride, Olney, Peebles, Packwood, Reed, Robbins, Shrum, Shattuck, Starkweather and Williams.

The journal of yesterday was read and approved.

Mr. Lovejoy reported the article on boundaries as truly engrossed.

Mr. Grover reported the article on schedule as truly engrossed.

Mr. Bristow offered the following resolution, which was adopted:

Resolved, That ten thousand copies of the enrolled constitution be ordered printed, and that the secretary be requested to distribute the same among the voters of the Territory at the earliest practicable moment.

Mr. Watkins offered the following resolution:

Resolved, That in the opinion of this convention, twelve dollars and fifty cents is an ample salary for Governor, provided, that after the good old school master fashion, he boards around and that the committee of the whole be instructed so to report, which resolution was decided in the negative.

The article on miscellaneous provisions was taken up on second reading, with amendments from committee of the whole, as follows:

First amendment—Section 5, by inserting the word "or" before the word "inheritance," in line two, and strike out after the word "inheritance" to the word "shall;" insert before the word "contracts," in line three, the word "or" and strike out the words "or control."

Second amendment—Section 7, by inserting after the word "shall" in line first, the words "directly or indirectly."

Third amendment—By adding a new section, marked Section 8, as follows: Section 8. No chinaman not a resident of this State at the time of the adoption of this constitution, shall ever hold any real estate or mining claims, or work any mining claims therein; the legislative assembly shall provide by law in the most effectual manner, for carrying out the above provisions.

The first amendment was read and agreed to.

Mr. Shannon moved to reconsider the vote just taken, which was agreed to.

The question recurring upon the adoption of the amendment, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Bristow, Brattain of Lane, Babcock, Burch, Crooks, Cox of Lane, Chadwick, Duncan, Elkins, Fitzhugh, Farrar, Grover, Hoult, Kelsey, Kelly, Lovejoy, Miller, Moores, Matzger, McCormick,

Nichols, Peebles, Prim, Short, Shannon, Scott, Starkweather, Williams, White, Watts, Whitted and Mr. President—32.

Nays—Messrs. Anderson, Boise, Coyle, Campbell of Clackamas, Dryer, Hendershott, Kinney, Logan, Newcomb, Olds, Smith, Shields, Waymire, and Watkins—14.

So the amendment was agreed to.

Second amendment was read and agreed to.

Third amendment was read.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Lane, Babcock, Crooks, Coyle, Cox of Lane, Chadwick, Dryer, Duncan, Elkins, Fitzhugh, Farrar, Grover, Hendershott, Kelsey, Kinney, Kelly, Miller, Newcomb, Peebles, Prim, Shannon, Smith, Shields, Scott, Williams, White, Watts, Watkins, Whitted and Mr. President—30.

Nays—Messrs. Anderson, Bristow, Boise, Burch, Campbell of Clackamas, Hoult, Lovejoy, Logan, Moores, Matzger, McCormick, Nichols, Olds, Short, Starkweather, and Waymire—16.

So the amendment was agreed to.

The article on salaries was taken up on second reading.

Mr. Kelly moved to fill the blank in first line with the words "fifteen hundred."

Mr. Whitted moved to fill the same blank with the words "two thousand," pending which, Mr. Farrar moved the previous question; the question being, Shall the main question be now put? which was decided in the negative.

Mr. Smith moved the previous question; the question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon filling the blank in first line, with the words "two thousand," the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Chadwick, Dryer, Hendershott, Kelly, Marple, Newcomb, Peebles, Prim, Shannon, Watkins, Whitted and Mr. President—12.

Nays—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Duncan, Elkins, Fitzhugh, Farrar, Grover, Hoult, Kelsey, Kinney, Lovejoy, Logan, Miller, Moores, Matzger, McCormick, Nichols, Olds, Packwood, Robbins, Short, Smith, Shields, Scott, Starkweather, Waymire, Williams, White and Watts—30.

So the motion to fill the blank with the words "two thousand," was not agreed to.

The question then recurred upon the motion to fill the blank in first line with the words "fifteen hundred."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Bristow, Babcock, Boise, Cox of Lane, Campbell of

Clackamas, Chadwick, Dryer, Duncan, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Kelly, Lovejoy, Marple, Moores, McCormick, Newcomb, Peebles, Prim, Shannon, Smith, Waymire, Williams, Watts, Watkins, Whitted and Mr. President—29.

Nays—Messrs. Anderson, Brattain of Linn, Brattain of Lane, Burch, Crooks, Coyle, Elkins, Farrar, Kinney, Logan, Miller, Matzger, Nichols, Olds, Packwood, Robbins, Short, Shields, Scott, Starkweather and White—21.

So the motion to fill the blank with the words "fifteen hundred," was agreed to.

Mr. Dryer moved to fill the second blank in second line with the words "eighteen hundred.

Mr. Bristow moved to fill the same blank, with the words "fifteen hundred."

The question was then taken upon the motion to fill the blank in second line, with the words "eighteen hundred."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Babcock, Dryer, Hendershott, Kelly, Marple, Newcomb, Prim, Williams, Watkins, Whitted and Mr. President—11.

Nays—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Boise, Burch, Crooks, Coyle, Cox of Lane, Chadwick, Duncan, Elkins, Fitzhugh, Farrar, Grover, Hoult, Kelsey, Kinney, Lovejoy, Logan, Miller, Moores, Matzger, McCormick, Nichols, Olds, Peebles, Packwood, Robbins, Short, Shannon, Smith, Shields, Scott, Starkweather, Waymire, White and Watts—38.

So the motion to fill the blank with the words "eighteen hundred," was not agreed to.

The question was then taken upon the motion to fill the blank in second line with the words "fifteen hundred."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Babcock, Boise, Cox of Lane, Campbell of Clackamas, Chadwick, Dryer, Duncan, Elkins, Hendershott, Kelsey, Kelly, Marple, Moores, Matzger, McCormick, Nichols, Newcomb, Peebles, Prim, Shannon, Waymire, Williams, Watts, Watkins, Whitted and Mr. President—26.

Nays—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Burch, Crooks, Coyle, Fitzhugh, Farrar, Grover, Hoult, Kinney, Lovejoy, Logan, Miller, Olds, Packwood, Robbins, Short, Smith, Shields, Scott, Starkweather and White—24.

So the motion to fill the blank with the words "fifteen hundred," was agreed to.

The question being on filling the blank in third line,

Mr. Whitted moved to fill it with the words, "twelve hundred."

Mr. Marple moved to fill it with the words, "one thousand."

Mr.————moved to fill it with the words, "eight hundred."

The question was then taken upon the motion to fill the blank with the words, " twelve hundred."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Chadwick, Kelsey, Marple, Newcomb, Shannon, Whitted and Mr. President—7.

Nays—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Duncan, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kinney, Kelly, Lovejoy, Logan, Miller, Moores, Matzger, McCormick, Nichols, Olds, Peebles, Prim, Packwood, Robbins, Short, Smith, Shields, Scott, Starkweather, Waymire, Williams, White, Watts and Watkins—42.

So the motion to fill the blank with the words "twelve hundred" was not agreed to.

The question was then taken upon the motion to fill the blank with the words "one thousand."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Babcock, Boise, Chadwick, Duncan, Marple, Nichols, Prim, Shannon, Whitted and Mr. President—10.

Nays—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Burch, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kelsey, Kinney, Kelly, Lovejoy, Logan, Miller, Moores, Matzger, McCormick, Nichols, Olds, Peebles, Packwood, Robbins, Short, Smith, Shields, Scott, Starkweather, Waymire, Williams, White and Watts—38.

So the motion to fill the blank with the words "one thousand" was not agreed to.

The question was then upon the motion to fill the blank with the words "eight hundred."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Lane, Babcock, Boise, Cox of Lane, Campbell of Clackamas, Chadwick, Duncan, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Kelly, Marple, Peebles, Prim, Short, Shannon, Smith, Starkweather, White, Watts, Whitted and Mr. President—24.

Nays—Messrs. Anderson, Brattain of Linn, Bristow, Burch, Crooks, Coyle, Elkins, Farrar, Kinney, Lovejoy, Logan, Miller, Moores, Matzger, McCormick, Nichols, Olds, Packwood, Robbins, Shields, Scott, Waymire and Williams—23.

So the motion to fill the blank with the words "eight hundred" was agreed to.

The question being upon filling the blank in the fourth line.

Mr. Whitted moved to fill the blank with the words "three thousand."

Mr. Chadwick moved to fill the blank with the words "twenty-five hundred."

Mr. Matzger moved to fill the blank with the words "two thousand."

Pending which, Mr. Watkins moved a call of the house; which was agreed to.

The roll being called through, the following members failed to answer to their names: Messrs. Applegate, Campbell of Lane, Kelsey, Lewis, Meigs, McBride, Newcomb, Olney, Peebles, Reed, Smith, Shrum, Shattuck and White.

On motion of Mr. Watkins, the further call of the house was dispensed with.

Mr. Chadwick moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question was then taken upon the motion to fill the blank with the words "three thousand."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Hendershott, Marple, Shannon and Whitted—4.

Nays—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Chadwick, Dryer, Duncan, Elkins, Fitzhugh, Farrar, Grover, Hoult, Kelsey, Kinney, Kelly, Lovejoy, Logan, Miller, Moores, Matzger, McCormick, Nichols, Newcomb, Olds, Peebles, Prim, Packwood, Robbins, Short, Smith, Shields, Scott, Starkweather, Waymire, Williams, White, Watts, Watkins and Mr. President—47.

So the motion to fill the blank with the words "three thousand" was not agreed to.

The question being upon the motion to fill the blank with the words "twenty-five hundred," the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Babcock, Boise, Chadwick, Dryer, Kelly, Lovejoy, Marple, Prim, Shannon, Watkins, Whitted and Mr. President—12.

Nays—Messrs. Anderson, Brattain of Linn, Brattain of Lane, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Duncan, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kinney, Logan, Miller, Moores, Matzger, McCormick, Nichols, Newcomb, Olds, Peebles, Packwood, Robbins, Short, Smith, Shields, Scott, Starkweather, Waymire, Williams, White and Watts—37.

So the motion to fill the blank with the words "twenty-five hundred" was not agreed to.

The question being upon the motion to fill the blank with the words "two thousand," the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Cox of Lane, Campbell of Clackamas, Chadwick, Dryer, Duncan, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelly, Lovejoy, Marple, Moores, Matzger, McCormick,

Nichols, Newcomb, Peebles, Prim, Shannon, Smith, Waymire, Williams, Watts, Watkins, Whitted and Mr. President—35.

Nays—Messrs. Anderson, Crooks, Coyle, Farrar, Kinney, Logan, Miller, Olds, Packwood, Robbins, Short, Shields, Scott, Starkweather and White—15.

So the motion to fill the blank with the words "two thousand" was agreed to.

The question being upon filling the blank in the sixth line, Mr. Marple moved to fill the blank with the word "ten."

Mr. Burch moved to fill the blank with the word "six."

The question being upon the motion to fill the blank with the word "ten," the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Brattain of Lane, Duncan, Farrar, Marple, Matzger, Nichols, Newcomb, Olds, White and Watkins—11.

Nays—Messrs. Anderson, Bristow, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Chadwick, Dryer, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kinney, Kelly, Lovejoy, Miller, Moores, McCormick, Peebles, Prim, Packwood, Robbins, Short, Shannon, Smith, Shields, Scott, Starkweather, Waymire, Williams, Watts, Whitted and Mr. President—38.

So the motion to fill the blank with the word "ten" was not agreed to.

The question being upon the motion to fill the blank with the word "six," the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Boise, Burch, Cox of Marion, Crooks, Cox of Lane, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hoult, Kelly, Lovejoy, Miller, Moores, Matzger, McCormick, Nichols, Newcomb, Peebles, Prim, Shannon, Smith, Shields, Williams, Whitted and Mr. President—31.

Nays—Messrs. Anderson, Babcock, Coyle, Dryer, Farrar, Hendershott, Kinney, Marple, Olds, Packwood, Robbins, Short, Scott, Starkweather, Waymire, White, Watts and Watkins—18.

So the motion to fill the blank with the word "six" was agreed to.

Mr. Peebles moved to amend Section 1, on salaries, by adding to the end of the section as follows:

Provided, further, That the salaries of the judges shall not be subject to increase, and the salaries of the Governor and Secretary shall never exceed two thousand dollars, nor that of the Treasurer exceed twelve hundred dollars.

Pending which, Mr. Chadwick moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the adoption of the amendment, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Cox of Marion, Coyle, Dryer,

Elkins, Grover, Hendershott, Matzger, McCormick, Nichols, Peebles, Robbins, Shannon, White and Watkins—15.

Nays—Messrs. Anderson, Bristow, Brattain of Lane, Babcock, Boise, Burch, Crooks, Cox of Lane, Campbell of Clackamas, Chadwick, Duncan, Fitzhugh, Farrar, Hoult, Kelsey, Kinney, Kelly, Lovejoy, Marple, Miller, Moores, Newcomb, Olds, Prim, Packwood, Short, Smith, Shields, Scott, Starkweather, Waymire, Williams, Watts, Whitted and Mr. President—35.

So the amendment was not agreed to.

Mr. Farrar moved to amend Section 1, on salaries, by inserting after the word "diminished," in seventh line, the words "or increased."

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Chadwick, Duncan, Elkins, Fitzhugh, Farrar, Grover, Hoult, Kelsey, Kelly, Marple, Moores, Matzger, McCormick, Nichols, Olds, Prim, Packwood, Short, Shannon, Smith, Shields, Scott, Williams, White, Watts, Watkins and Mr. President—36.

Nays—Messrs. Campbell of Clackamas, Dryer, Hendershott, Kinney, Newcomb, Peebles, Starkweather, Waymire and Whitted—9.

So the amendment was agreed to.

Mr. Bristow moved to amend Section 6, on miscellaneous, by adding to end of Section 6, as follows: "Nor shall any county when divided, be so divided that the lines will run nearer than fifteen miles of the county seat of such county;" which was disagreed to.

Mr. Short moved to amend Section 6, on miscellaneous, by inserting after the word "area," in second line, the words "than three hundred square miles;" which was disagreed to.

Mr. Williams moved to amend Section 1, on salaries, at the end of the section add the words "But the compensation of officers, if not fixed by this constitution, shall be as prescribed by law;" which was agreed to.

Mr. Packwood moved to amend Section 1, on salaries, by striking out all after the word "offices," in fifth line, and insert the words "nor shall the pay of any officer in this State be diminished or increased, except as provided for in the first section for the making of amendments to this constitution;" which was disagreed to.

Mr. Olds moved to amend Section 1, on salaries, by inserting after the word "dollars," in fourth line, the words "The county judge of each county of this State shall receive a salary of five hundred dollars, to be paid out of the State treasury;" which was disagreed to.

Mr. Dryer moved to amend Section 6, on miscellaneous, by adding at the end of the section the words, "nor with a less population than twelve hundred;" which was agreed to.

Mr. Smith moved to amend Section 1, on amendments, in line seven,

after the word "State" the words "And cause the same to be published for at least four consecutive weeks in the several newspapers published in this State;" which was agreed to.

Mr. Peebles moved to amend Section 1, on salaries, by striking out all after the word "offices" in fifth line, to and including the word "constitution," in seventh line.

Mr. Bristow moved to amend the amendment, by striking out all from and including the word "provided," which was accepted by the mover of the original motion.

The question recurring upon the adoption of the amendment, the yeas and nays being demanded, resulted of follows:

Yeas—Messrs. Anderson, Brattain of Linn, Bristow, Brattain of Lane, Burch, Coyle, Campbell of Clackamas, Grover, Hoult, Hendershott, Logan, Miller, Moores, Matzger, Nichols, Peebles, Packwood, Shannon, Shields, Scott, Waymire and White—22.

Nays—Messrs. Babcock, Boise, Cox of Marion, Crooks, Cox of Lane, Chadwick, Dryer, Duncan, Fitzhugh, Kelly, Lovejoy, McCormick, Newcomb, Olds, Short, Starkweather, Williams, Watkins and Mr. President—19.

So the amendment, was adopted.

Mr. Grover moved that the article on miscellaneous provisions be ordered engrossed and read a third time to-day, which was agreed to.

On motion, the convention took a recess.

AFTERNOON SESSION.

2 o'clock P. M.

The article on boundaries was read a third time; pending which, Mr. Farrar moved the previous question. The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the final passage of the article on boundaries, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Cox of Lane, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Farrar, Grover, Hoult, Hendershott, Kelsey, Kinney, Kelly, Lovejoy, Miller, Moores, Matzger, McCormick, Nichols, Newcomb, Olds, Peebles, Prim, Robbins, Shannon, Smith, Shields, Scott, Waymire, Williams, White, Watts, Whitted and Mr. President—42.

Nays—Messrs. Anderson, Logan, and Short—3.

So the article on boundaries was passed.

The article on schedule was read a third time; pending which, Mr.

Cox of Lane, moved the previous question. The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the final passage of the article on schedule, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hoult, Kelsey, Kelly, Lovejoy, Miller, Moores, Matzger, McCormick, Newcomb, Peebles, Prim, Robbins, Shannon, Smith, Shields, Scott, Starkweather, Waymire, Williams, Whitted and Mr. President—36.

Nays—Messrs. Anderson, Dryer, Farrar, Hendershott, Kinney, Logan, Nichols, Olds, Packwood, Short, White, Watts and Watkins —13.

So the article on schedule, was passed.

Mr. Boise reported the article on miscellaneous provisions as truly engrossed.

The article on miscellaneous provisions was read a third time.

The yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Campbell of Clackamas, Chadwick, Duncan, Elkins, Fitzhugh, Grover, Hoult, Hendershott, Kelsey, Kinney, Kelly, Lovejoy, Moores, McCormick, Newcomb, Peebles, Prim, Robbins, Shannon, Smith, Waymire, Willliams, Whitted and Mr. President—31.

Nays—Messrs. Anderson, Crooks, Coyle, Cox of Lane, Dryer, Miller, Matzger, Nichols, Olds, Packwood, Short, Shields, Scott, Starkweather, Watts and Watkins—16.

So the Article on miscellaneous provisions was passed.

Mr. Smith moved to take from the table the resolution in regard to voting, which was disagreed to.

Mr. Kelly moved to adjourn, which was disagreed to.

Mr. Logan moved to take from the table the resolution in regard to paying the delegates of this convention; pending which, Mr. Williams moved the previous question. The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the motion of Mr. Logan, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Anderson, Dryer, Duncan, Farrar, Hoult, Hendershott, Kelly, Logan, Matzger, Nichols, Newcomb, Olds, Prim, Short, Shannon, Smith, Scott, Starkweather, Waymire, White, Watts, Whitted and Mr. President—23.

Nays—Messrs. Brattain of Linn, Bristow, Brattain of Lane, Babcock, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Chadwick, Elkins, Fitzhugh, Grover, Kelsey, Kelly, Lovejoy,

Miller, Moores, McCormick, Peebles, Packwood, Robbins, Shields, Williams and Watkins—26.

So the motion was not agreed to.

Mr. Smith offered the following resolutions, which was adopted:

Resolved, That all laws of the State of Oregon, and all official writings, and executive, legislative and judicial proceedings, shall be conducted, preserved and published in no other than the English language.

Resolved, That it shall be the duty of the President of this convention, immediately on its adjournment, to certify to the Governor a copy of the bill of rights and constitution adopted, together with this schedule.

Resolved, That this constitution shall be enrolled on parchment, deposited in the Secretary's office, and be the supreme law of the State, and printed copies thereof shall be prefixed to the books containing the laws of this State.

Resolved, That we the representatives of the freemen of Oregon, in convention assembled, in their name, and by their authority, and in virtue of the powers vested in us as delegates from the counties respectively affixed to our names, do ordain and proclaim the foregoing to be the constitution of the State of Oregon, from and after its ratification by the people.

Done in convention at Salem, the———day of September, in the year of our Lord one thousand eight hundred and fifty-seven, and of the Independence of the United States the eighty-second.

Mr. Dryer offered the following resolution, which was adopted:

Resolved, That the constitution be published in the several newspapers in the Territory of Oregon for the term of one month, and shall be paid for as other public printing.

Mr. Dryer moved to reconsider the vote by which the resolution in regard to printing ten thousand copies of the constitution was passed; which was agreed to.

Mr. Smith moved to amend the resolution by striking out the words "ten thousand," and insert the words "five thousand;" which was agreed to.

Mr. Bristow offered the following resolutions, which were adopted:

Resolved, That the thanks of this body be presented to the Hon. M. P. Deady, President of the convention, for the able, impartial and dignified manner in which he has discharged the duties of presiding officer.

Resolved, That the thanks of the convention be tendered to the Secretaries, Sergeant-at-Arms and Door-keeper, for the faithful manner in which they have discharged the duties appertaining to their respective offices.

Mr. Chadwick offered the following resolution:

Resolved, That a committee of three be appointed to report a proper device for the seal of the State of Oregon; which was disagreed to.

On motion of Mr. Lovejoy, the convention adjourned.

FRIDAY, SEPTEMBER 18, 1857.

8 O'CLOCK A. M.

The convention met pursuant to adjournment.

The roll being called, all the members present except Messrs. Applegate, Bristow, Campbell of Lane, Lewis, Marple, Meigs, McBride, Olney, Reed, Robbins, Shrum and Shattuck.

The journal of yesterday was read and approved.

Mr. Watkins asked leave to have erased from the journal of yesterday the resolution introduced by him in regard to salary of Governor; which was not agreed to.

Mr. McCormick, from Committee on Expenses, made a report, which was read, and on motion of Mr. Hoult, the report was adopted.

Mr. Short offered the following resolutions:

Resolved, That the Secretary of this convention and the Secretary of the Territory be empowered to examine and pass on all such accounts as may not yet have been rendered, (including the time and mileage of the delegates,) the same to be approved by the President of the convention.

Resolved, That each delegate is hereby requested to furnish the Secretary of this convention with their names and the number of miles from the seat of government to their residence.

Resolved, That the Secretary of this convention is hereby required to send an equal proportion of the printed copies of the constitution to the respective delegates and postmasters of each county.

Mr. Smith moved to amend the third resolution by inserting the word "auditors" after the word "postmasters;" which amendment was agreed to.

The resolutions as amended were adopted.

Mr. Waymire moved to reconsider the vote by which the resolution in relation to publishing the constitution in the newspapers was passed; which was agreed to.

Mr. Dryer, the mover of the resolution, withdrew the same.

Mr. McCormick offered the following resolution:

Resolved, That the several papers in the Territory be requested to insert the constitution in their papers once, provided the cost thereof does not exceed fifty dollars for each paper.

Mr. Lovejoy moved to amend the resolution by striking out the

word "fifty" and insert the word "sixty;" which was withdrawn by the mover.

Mr. Grover moved to amend by adding to said resolution the words: "*Provided, further*, That such papers so publishing the constitution shall publish the same entire in one issue, either in supplement or otherwise; which was agreed to.

The question being upon the adoption of the resolution as amended, Mr. Prim moved the previous question.

The question being, Shall the main question be now put? which was decided in the affirmative.

The question recurring upon the adoption of the resolution as amended; which was agreed to.

Mr. Burch moved to reconsider the vote by which the resolution in regard to appointing a committee to report a device for a seal for the State of Oregon was disagreed to; which motion was agreed to.

The question being upon the adoption of the resolution in regard to a device for a seal, which was agreed to.

The President appointed as a committee on device of seal, Messrs. Burch, Kelly and Grover.

Mr. Grover moved to suspend the rules, so that the special committee on enrolling the constitution might report; which was agreed to.

The special committee on enrolling and arranging the constitution made the following report, which was adopted:

The committee on the enrollment and arrangement of the constitution beg leave to report that they have had the subject referred to them under consideration; that they procured the assistance of W. W. Page, Esq., in enrolling the constitution; that the same is truly enrolled.

They recommend that the several articles thereof be arranged in the following order:

1st. Preamble and Bill of Rights.
2nd. Suffrages and Elections.
3rd. Distribution of Powers.
4th. Legislative Department.
5th. Executive Department.
6th. Administrative Department.
7th. Judicial Department.
8th. Education and Schools.
9th. Finance.
10th. Militia.
11th. Corporations and Internal Improvements.
12th. State Printer.
13th. Salaries.
14th. Seat of Government.
15th. Miscellaneous.
16th. Boundaries.

17th. Amendments.
18th. Schedule.

Your committee further recommend that the constitution thus enrolled be adopted, and be authenticated by the signatures of the President and Secretary and of the members present, and that the roll of the constitution be kept open for the signatures of all absent members, who may append their names at any time hereafter.

All of which is respectfully submitted,

L. F. GROVER,
Chairman.

Mr. Smith moved that the reading of the constitution as reported by the committee as truly enrolled be dispensed with; which was agreed to.

Mr. Grover moved to adopt the constitution as enrolled.

Pending which, Mr. Cox of Lane moved the previous question.

The question being, Shall the main question be now put? which was agreed to.

The question recurring upon the motion to adopt the constitution as enrolled, the yeas and nays being demanded, resulted as follows:

Yeas—Messrs. Brattain of Linn, Brattain of Lane, Babcock, Boise, Burch, Cox of Marion, Crooks, Coyle, Cox of Lane, Campbell of Clackamas, Duncan, Elkins, Fitzhugh, Grover, Hoult, Kelsey, Kelly, Lovejoy, Marple, Miller, Moores, Matzger, McCormick, Newcomb, Peebles, Packwood, Robbins, Shannon, Smith, Shields, Starkweather, Waymire, Williams, Whitted and Mr. President—35.

Nays—Messrs. Anderson, Dryer, Farrar, Hendershott, Kinney, Logan, Olds, White, Watts and Watkins—10.

So the constitution as enrolled was passed.

On motion, the convention took a recess.

AFTERNOON SESSION.

2 O'CLOCK P. M.

The select committee appointed to report a device for a seal made the following report:

The select committee of three appointed to report a proper device for the seal of the State of Oregon, beg leave to report that having had the subject under consideration, they recommend the adoption of a device submitted to them by Harvey Gordon, Esq., herewith accompanying and described as follows:

An escutcheon, by thirty-two stars, and divided by an ordinary with the inscription, "The Union." In chief, mountains, a wagon, the Pacific Ocean, on which a British man-of-war departing, an American steamer

arriving, (representing the early settlements and the cessation of the joint occupancy of the country by Great Britain and the United States). The second quartering in gold, with a sheaf, a plough and a pick-axe, (denoting the pursuits of husbandry and mining). Crest: the American eagle; legend, "State of Oregon."

To Mr. Gordon's copy, your committee recommend to be added to the mountain scenery, an elk with haunching antlers, indicating that our mountains are alive with noble game.

Respectfully submitted,

BENJ. F. BURCH,
L. F. GROVER,
JAMES K. KELLY,
Committee.

On motion of Mr. Dryer, the report of the committee on seal was adopted.

On motion, *Resolved*, That a committee of three be appointed to superintend the printing of the constitution.

The President appointed as such committee, Messrs. Williams, Kelly and Logan.

Mr. Grover moved that the convention do now adjourn *sine die*, and the question being put, it was decided in the affirmative.

Whereupon, the President addressed the convention as follows:

GENTLEMEN—Before putting this question to a vote, permit me to address you a few words before parting. I congratulate you upon the conclusion of your labors; you have labored more arduously, in session and out of session, than any deliberative body it has been my fortune to be acquainted with, and I trust the result will meet the approval of your constituents.

For myself, although objecting to some of the provisions of the constitution, considering it with reference to probabilities of getting a better one, I approve it, and will support it at the polls. The main question to be considered is behind the constitution; that is, are we ready to assume the responsibility of a State Government? In times gone by, I have not been so sanguine upon this subject as others. I have not regretted the delay that has occured by the country refusing to authorize a convention before this time; but on the contrary, think it has been for the best. As to mere numbers and wealth, we have doubtless sufficient of both to maintain a State Government; but a people, in my opinion, require age and maturity, as well as wealth and numbers, to make them competent to successfully carry on a government. As in the growth of the child, and the oak, so with a people. Thrown together as we have been upon this coast, it requires time to knit together in one harmonious whole our diversified elements of population.

For myself, I am willing now with this constitution to enter upon the new form of government. For the country, that question is before them and they must determine it.

Before concluding, let me thank you for the kindness and courtesy you have shown me as presiding officer of this convention. The most appropriate return I can make you is the wish that your constituents may approve your conduct and endorse your work.

The President declared the convention adjourned *sine die*.

M. P. DEADY,
Pres. Convention.

Attest:
CHESTER N. TERRY,
Secretary.

CONSTITUTION OF OREGON.

WE, the people of the State of Oregon, to the end that justice be established, or maintained, and liberty perpetuated, do ordain this Constitution.

ARTICLE I.

Bill of Rights.

1. We declare that all men, when they form a social compact, are equal in rights; that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.

2. All men shall be secured in their natural right to worship Almighty God according to the dictates of their own consciences.

3. No law shall in any case whatever control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

4. No religious test shall be required as a qualification for any office of trust or profit.

5. No money shall be drawn from the Treasury for the benefit of any religious or theological institution, nor shall any money be appriated for the payment of any religious services in either house of the Legislative Assembly.

6. No person shall be rendered incompetent as a witness or juror in consequence of his opinions on matters of religion, nor be questioned in any court of justice touching his religious belief, to affect the weight of his testimony.

7. The mode of administering an oath or affirmation shall be such as may be most consistent with, and binding upon the conscience of the person to whom such oath or affirmation may be administered.

8. No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.

9. No law shall violate the right of the people to be secure in their persons, houses, papers and effects, against unreasonable search or seizure; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

10. No court shall be secret, but justice shall be administered openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in person, property or reputation.

11. In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.

12. No person shall be put in jeopardy twice for the same offence, nor be compelled in any criminal prosecution to testify against himself.

13. No person arrested or confined in jail shall be treated with unnecessary rigor.

14. Offences, except murder and treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable when the proof is evident or the presumption strong

15. Laws for the punishment of crime shall be founded on the principles of reformation, and not of vindictive justice.

16. Excessive bail shall not be required, nor excessive fines imposed. Cruel and unusual punishments shall not be inflicted, but all penalties shall be proportioned to the offense. In all criminal cases whatever, the jury shall have the right to determine the law and the facts, under the direction of the court, as to the law, and the right of new trial, as in civil cases.

17. In all civil cases, the right of trial by jury shall remain inviolate.

18. Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

19. There shall be no imprisonment for debt except in case of fraud or absconding debtors.

20. No law shall be passed granting to any citizen or class of citizens privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

21. No *ex post facto* law, or law impairing the obligations of contracts, shall ever be passed, nor shall any law be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution; *Provided*, That laws locating the Capital of the State, locating county seats, and submitting town and corporate

acts, and other local and special laws may take effect or not, upon a vote of the electors interested.

22. The operation of the laws shall never be suspended except by the authority of the Legislative Assembly.

23. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion, the public safety require it.

24. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid, or comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

25. No conviction shall work corruption of blood or forfeiture of estate.

26. No law shall be passed restraining any of the inhabitants of the State from assembling together in a peaceable manner to consult for their common good; nor from instructing their representatives; nor from applying to the Legislature for redress of grievances.

27. The people shall have the right to bear arms for the defense of themselves and the State, but the military shall be kept in strict subordination to the civil power.

28. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in manner prescribed by law.

29. No law shall be passed granting any title of nobility, or conferring hereditary distinctions.

30. No law shall be passed prohibiting emigration from the State.

31. White foreigners who are or may hereafter become residents of this State shall enjoy the same rights in respect to the possession, enjoyment and descent of property as native born citizens. And the Legislative Assembly shall have power to restrain and regulate the immigration to this State of persons not qualified to become citizens of the United States.

32. No tax or duty shall be imposed without the consent of the people or their representatives in the Legislative Assembly; and all taxation shall be equal and uniform.

33. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.

34. There shall be neither slavery nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted.

35. No free negro or mulatto, not residing in this State at the time of the adoption of this Constitution, shall come, reside or be within this State, or hold any real estate, or make any contracts, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws for the removal by public officers of all such negroes and mulatoes, and

for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ or harbor them.

ARTICLE II.

Suffrage and Elections.

SECTION 1. All elections shall be free and equal.

SEC. 2. In all elections not otherwise provided for by this Constitution, every white male citizen of the United States of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election; and every white male of foreign birth of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States one year preceding such election, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote at all elections authorized by law.

SEC. 3. No idiot or insane person shall be entitled to the privileges of an elector; and the privilege of an elector shall be forfeited by a conviction of any crime which is punishable by imprisonment in the Penitentiary.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States or of this State; nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house or other asylum, at public expense; nor while confined in any public prison.

SEC. 5. No soldier, seaman or marine in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State in consequence of having been stationed within the same; nor shall any such soldier, seaman or marine have the right to vote.

SEC. 6. No negro, Chinaman or mulatto shall have the right of suffrage.

SEC. 7. Every person shall be disqualified from holding office during the term for which he may have been elected, who shall have given or offered a bribe, threat or reward to procure his election.

SEC. 8. The Legislative Assembly shall enact laws to support the privilege of free suffrage, prescribing the manner of regulating and

conducting elections, and prohibiting, under adequate penalties, all undue influence therein from power, bribery, tumult and other improper conduct.

SEC. 9. Every person who shall give or accept a challenge to fight a duel, or shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

SEC. 10. No person holding a lucrative office or appointmet under the United States, or under this State, shall be eligible to a seat in the Legislative Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly permitted; *Provided*, That officers in the militia, to which there is attached no annual salary, and the office of Postmaster, where the compensation does not exceed one hundred dollars per annum, shall not be deemed lucrative.

SEC. 11. No person who may hereafter be a collector or holder of public money shall be eligible to any office of trust or profit until he shall have accounted for and paid over, according to law, all sums for which he may be liable.

SEC. 12. In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continously, an appointment *pro tempore* shall not be reckoned a part of that term.

SEC. 13. In all cases except treason, felony, and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same; and no elector shall be obliged to do duty in the militia on any day of election, except in time of war or public danger.

SEC. 14. General elections shall be held on the first Monday of June, biennially.

SEC. 15. In all elections by the Legislative Assembly, or by either branch thereof, votes shall be given openly or *vica voce*, and not by ballot, forever; and in all elections by the people, votes shall be given openly, or *vica voce*, until the Legislative Assembly shall otherwise direct.

SEC. 16. In all elections held by the people under this Constitution, the person or persons who shall receive the highest number of votes shall be declared duly elected.

SEC. 17. All qualified electors shall vote in the election precinct in the county where they may reside, for county officers, and in any county of the State for State officers, or in any county of a Congressional District in which such electors may reside, for Members of Congress.

ARTICLE III.

Distribution of Powers.

SECTION 1. The powers of the government shall be divided into three separate departments—the Legislative, the Executive, including the Administrative and the Judicial; and no person charged with official duties under one of these departments shall exercise any of the functions of another except as in this Constitution expressly provided.

ARTICLE IV.

Legislative Department.

SECTION. 1. The legislative authority of the State shall be vested in the Legislative Assembly which shall consist of a Senate and House of Representatives. The style of every bill shall be, "Be it enacted by the Legislative Assembly of the State of Oregon," and no law shall be enacted except by bill.

SEC. 2. The Senate shall consist of sixteen, and the House of Representatives of thirty-four members, which number shall not be increased until the year eighteen hundred and sixty, after which time the Legislative Assembly may increase the number of Senators and Representatives; always keeping, as near as may be, the same ratio as to the number of Senators and Representatives; *Provided*, That the Senate shall never exceed thirty, and the House of Representatives sixty members.

SEC. 3. The Senators and Representives shall be chosen by the electors of the respective counties or districts into which the State may from time to time be divided by law.

SEC. 4. The Senators shall be elected for the term of four years, and Representatives for the term of two years from the day next after their general election; *Provided, however*, That the Senators elect, at the first session of the Legislative Assembly under this Constitution, shall be divided by lot into two equal classes, as nearly as may be; and the seats of Senators of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years; so that one-half, as nearly as possible, shall be chosen biennially forever thereafter. And in case of the increase of the number of Senators, they shall be so annexed by lot to one or the other of the two classes as to keep them as nearly equal as possible.

SEC. 5. The Legislative Assembly shall, in the year eighteen hundred and sixty-five, and every ten years after, cause an enumeration to be made of all the white population of the State.

SEC. 6. The number of Senators and Representatives shall, at the session next following an enumeration of the inhabitants by the United States or this State, be fixed by law, and apportioned among the several counties according to the number of white population in each. And the ratio of Senators and Representatives shall be determined by dividing the whole number of white population of such county or district, by such respective ratios; and when a fraction shall result from such division, which shall exceed one-half of such ratio, such county or district shall be entitled to a member for such fraction. And in case any county shall not have the requisite population to entitle such county to a member, then such county shall be attached to some adjoining county for senatorial or representative purposes.

SEC. 7. A senatorial district, when more than one county shall constitute the same, shall be composed of contiguous counties, and no county shall be divided in creating senatorial districts.

SEC. 8. No person shall be a Senator or Representative who, at the time of his election, is not a citizen of the United States; nor any one who has not been for one year next preceding his election an inhabitant of the county or district whence he may be chosen. Senators and Representatives shall be at least twenty-one years of age.

SEC. 9. Senators and Representatives in all cases except for treason, felony, or breaches of the peace, shall be privileged from arrest during the session of the Legislative Assembly, and in going to and returning from the same; and shall not be subject to any civil process during the session of the Legislative Assembly, nor during the fifteen days next before the commencement thereof. Nor shall a member, for words uttered in debate in either House, be questioned in any other place.

SEC. 10. The sessions of the Legislative Assembly shall be held biennially at the Capital of the State, commencing on the second Monday of September, in the year eighteen hundred and fifty-eight, and on the same day of every second year thereafter, unless a different day shall have been appointed by law.

SEC. 11. Each House, when assembled, shall choose its own officers, judge of the election, qualifications and returns of its own members, determine its own rules of proceeding, and sit upon its own adjournments; but neither House shall without the concurrence of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

SEC. 12. Two-thirds of each House shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either House fail to effect an organization within the first

five days thereafter, the members of the House so failing shall be entitled to no compensation from the end of the said five days until an organization shall have been effected.

SEC. 13. Each House shall keep a journal of its proceedings. The yeas and nays on any question, shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journal; *Provided*, That on a motion to adjourn, it shall require one-tenth of the members present to order the yeas and nays.

SEC. 14. The doors of each House, and of committees of the whole shall be kept open, except in such cases as in the opinion of either House may require secresy.

SEC. 15. Either House may punish its members for disorderly behavior, and may, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

SEC. 16. Either House, during its session, may punish by imprisonment any person not a member, who shall have been guilty of disrespect to the House, by disorderly or contemptuous behavior in its presence, but such imprisonment shall not at any time exceed twenty-four hours.

SEC. 17. Each House shall have all powers necessary for a branch of the legislative department of a free and independent State.

SEC. 18. Bills may originate in either House, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the House of Represantatives.

SEC. 19. Every bill shall be read by sections, on three several days, in each House, unless, in case of emergency, two-thirds of the House where such bill may be depending, shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage shall in no case be dispensed with, and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

SEC. 20. Every act shall embrace but one subject, and matters properly connected therewith, which subjects shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

SEC. 21. Every act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

SEC. 22. No act shall ever be revised or amended by mere reference to its title, but the act revised or section amended shall be set forth and published at full length.

SEC. 23. The Legislative Assembiy shall not pass special or local laws in any of the following enumerated cases, that is to say:

1. Regulating the jurisdiction and duties of Justices of the Peace, and of Constables;
2. For the punishment of crimes and misdemeanors;
3. Regulating the practice in courts of justice;
4. Providing for changing the venue in civil and criminal cases;
5. Granting divorces;
6. Changing the names of persons;
7. For laying, opening and working on highways, and for the election or appointment of supervisors;
8. Vacating roads, town plats, streets, alleys and public squares;
9. Summoning and empaneling grand and petit jurors;
10. For the assessment and collection of taxes for State, county, township or road purposes;
11. Providing for supporting common schools, and for the preservation of school funds;
12. In relation to interest on money;
13. Providing for opening and conducting the elections of State, county or township officers, and designating the places of voting;
14. Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees;

SEC. 24. Provisions may be made by general law for bringing suit against the State, as to all liabilities originating after or existing at the time of the adoption of this Constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.

SEC. 25. A majority of all the members elected to each House shall be necessary to pass every bill or joint resolution; and all bills and joint resolutions so passed shall be signed by the presiding officers of the respective Houses.

SEC. 26. Any member of either House shall have the right to protest, and have his protest, with his reasons for dissent, entered on the journal.

SEC. 27. Every statute shall be a public law, unless otherwise declared in the statute itself.

SEC. 28. No act shall take effect until ninety days from the end of the session at which the same shall have been passed, except in case of emergency; which emergency shall be declared in the preamble or in the body of the law.

SEC. 29. The members of the Legislative Assembly shall receive for their services a sum not exceeding three dollars a day from the commencement of the session; but such pay shall not exceed in the aggregate one hundred and twenty dollars for per diem allowance for any one session. When convened in extra session by the Governor, they shall receive three dollars per day; but no extra session shall continue

for a longer period than twenty days. They shall also receive the sum of three dollars for every twenty miles they shall travel in going to and returning from their place of meeting, on the most usual route. The presiding officers of the Assembly shall, in virtue of their office, receive an additional compensation equal to two-thirds of their per diem allowance as members.

SEC. 30. No Senator or Representative shall, during the time for which he may have been elected, be eligible to any office, the election to which is vested in the Legislative Assembly; nor shall be appointed to any civil office of profit which shall have been created, or the emoluments of which shall have been increased during such term, but this latter provision shall not be construed to apply to any officer elective by the people.

SEC. 31. The members of the Legislative Assembly shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of Senator (or Representative, as the case may be), according to the best of my ability.

And such oath may be administered by the Governor, Secretary of State, or Judge of the Supreme Court.

ARTICLE V.

Executive Department.

SECTION 1. The chief executive power of the State shall be vested in a Governor, who shall hold his office for the term of four years; and no person shall be eligible to such office more than eight, in any period of twelve years.

SEC. 2. No person, except a citizen of the United States, shall be eligible to the office of Governor, nor shall any person be eligible to that office who shall not have attained the age of thirty years, and who shall not have been three years next preceding his election, a resident within this State.

SEC. 3. No member of Congress, or person holding any office under the United States, or under this State, or under any other power, shall fill the office of Governor; except as may be otherwise provided in this Constitution.

SEC. 4. The Governor shall be elected by the qualified electors of the State, at the times and places of choosing members of the Legisla-

tive Assembly, and the returns of every election for Governor shall be sealed up and transmitted to the Secretary of State, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both houses of the Legislative Assembly.

SEC. 5. The person having the highest number of votes for Governor shall be elected; but in case two or more persons shall have an equal, and the highest number of votes for Governor, the two houses of the Legislative Assembly, at the next regular session thereof, shall forthwith, by joint vote, proceed to elect one of the said persons Governor.

SEC. 6. Contested elections for Governor shall be determined by the Legislative Assembly in such manner as may be prescribed by law.

SEC. 7. The official term of the Governor shall be four years; and shall commence at such times as may be provided by this Constitution, or prescribed by law.

SEC. 8. In case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the Secretary of State; and in case of the removal from office, death, resignation, or inability, both of the Governor and Secretary of State, the President of the Senate shall act as Governor, until the disability be removed, or a Governor be elected.

SEC. 9. The Governor shall be commander-in-chief of the military and naval forces of this State, and may call out such forces to execute the laws, to suppress insurrection, or to repel invasion.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. He shall, from time to time, give to the Legislative Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

SEC. 12. He may, on extraordinary occasions, convene the Legislative Assembly by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.

SEC. 13. He shall transact all necessary business with the officers of Government, and may require information in writing from the officers of the administrative and military departments upon any subject relating to the duties of their respective offices.

SEC. 14. He shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason, subject to such regulations as may be provided by law. Upon conviction for treason he shall have power to suspend the execution of the sentence until the case shall be reported to the Legislative Assembly at its next meeting, when the Legislative Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the Legislative Assembly at its next meeting each case of reprieve, com-

mution or pardon granted, and the reasons for granting the same; and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

SEC. 15. Every bill which shall have passed the Legislative Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to that House in which it shall have orginated, which House shall enter the objections at large upon the journal, and proceed to reconsider it. If, after such reconsideration two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present it shall become a law. But in all cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each House respectively; if any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor, within five days next after the adjournment (Sundays expected) shall file such bill, with his objections thereto, in the office of Secretary of State, who shall lay the same before the Legislative Assembly at its next session, in like manner as if it had been returned by the Governor.

SEC. 16. When, during a recess of the Legislative Assembly, a vacancy shall happen in any office, the appointment to which is vested in the Legislative Assembly; or when at any time a vacancy shall have occurred in any other State office, or in the office of Judge of any Court, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

SEC. 17. He shall issue writs of election to fill such vacancies as may have occurred in the Legislative Assembly.

SEC. 18. All commissions shall issue in the name of the State, shall be signed by the Governor, sealed with the seal of the State, and attested by the Secretary of State.

ARTICLE VI.

Administrative Department.

SECTION 1. There shall be elected by the qualified electors of the State, at the times and places of choosing members of the Legislative Assembly, a Secretary, and Treasurer of State, who shall severally hold

their offices for the term of four years; but no person shall be eligible to either of said offices more than eight, in any period of twelve years.

SEC. 2. The Secretary of State shall keep a fair record of the official acts of the Legislative Assembly, and Executive Department of the State; and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislative Assembly. He shall be, by virtue of his office, auditor of public accounts, and shall perform such other duties as shall be assigned him by law.

SEC. 3. There shall be a Seal of State, kept by the Secretary of State for official purposes, which shall be called "The Seal of the State of Oregon."

SEC. 4. The power and duties of the Treasurer of State shall be such as may be prescribed by law.

SEC. 5. The Governor, and the Secretary, and Treasurer of State shall severally keep the public records, books and papers in any manner relating to their respective offices, at the seat of Government, at which place also the Secretary of State shall reside.

SEC. 6. There shall be elected in each county, by the qualified electors thereof at the time of holding general elections, a County Clerk, Treasurer, Sheriff, Coroner and Surveyor, who shall severally hold their offices for the term of two years.

SEC. 7. Such other county, township, precinct, and city officers as may be necessary, shall be elected or appointed in such manner as may be prescribed by law.

SEC. 8. No person shall be elected or appointed to a county office who shall not be an elector of the county; and all county, township, precinct and city officers shall keep their respective offices at such places therein, and perform such duties as may be prescribed by law.

SEC. 9. Vacancies in county, township, precinct and city offices shall be filled in such manner as may be prescribed by law.

ARTICLE VII.

Judicial Department.

SECTION 1. The judicial power of the State shall be vested in a Supreme Court, Circuit Courts, and County Court, which shall be Courts of Record, having general jurisdiction, to be defined, limited and regulated by law in accordance with this Constitution. Justices of the Peace may also be invested with limited judicial powers, and Municipal Courts may be created to administer the regulations of incorporated towns and cities.

SEC. 2. The Supreme Court shall consist of four Justices, to be

chosen in districts by the electors thereof, who shall be citizens of the United States, and who shall have resided in the State at least three years next preceding their election, and after their election to reside in their respective districts. The number of Justices and districts may be increased, but shall not exceed five, until the white population of the State shall amount to one hundred thousand, and shall never exceed seven; and the boundaries of districts may be changed, but no change of district shall have the effect to remove a Judge from office, or require him to change his residence without his consent.

SEC. 3. The Judges first chosen under this Constitution shall allot among themselves their terms of office, so that the term of one of them shall expire in two years, one in four years, and two in six years, and thereafter one or more shall be chosen every two years, to serve for the term of six years.

SEC. 4. Every vacancy in the office of Judge of the Supreme Court shall be filled by election for the remainder of the vacant term, unless it would expire at the next election, and until so filled, or when it would so expire, the Governor shall fill the vacancy by appointment.

SEC. 5. The Judge who has the shortest term to serve, or the oldest of several having such shortest term, and not holding by appointment, shall be the Chief Justice.

SEC. 6. The Supreme Court shall have jurisdiction only to revise the final decisions of the Circuit Courts; and every cause shall be tried, and every decision shall be made by those Judges only, or a majority of them, who did not try the cause or make the decision in the Circuit Court.

SEC. 7. The terms of the Supreme Court shall be appointed by law; but there shall be one term at the seat of government annually. And at the close of each term the Judges shall file with the Secretary of State, concise written statements of the decisions made at that term.

SEC. 8. The Circuit Court shall be held twice, at least in each year, in each county organized for judicial purposes, by one of the Justices of the Supreme Court, at times to be appointed by law; and at such other times as may be appointed by the Judges, severally, in pursuance of law.

SEC. 9. All judicial power, authority and jurisdiction not vested by this Constitution, or by laws consistent therewith exclusively in some other Court, shall belong to the Circuit Courts; and they shall have appellate jurisdiction and supervisory control over the County Courts, and all other inferior Courts, officers and tribunals.

SEC. 10. When the white population of the State shall amount to two hundred thousand, the Legislative Assembly may provide for the election of Supreme and Circuit Judges in distinct classes, one of which classes shall consist of three Justices of the Supreme Court, who shall not perform circuit duty, and the other class shall consist of the ne-

cessary number of Circuit Judges, who shall hold full terms without allotment, and who shall take the same oath as the Supreme Judges.

SEC. 11. There shall be elected in each county, for the term of four years, a County Judge, who shall hold the County Court at times to be regulated by law.

SEC. 12. The County Court shall have the jurisdiction pertaining to Probate Courts, and Boards of County Commissioners, and such other powers and duties, and such civil jurisdiction not exceeding the amount of value of five hundred dollars, and such criminal jurisdiction not extending to death or imprisonment in the Penitentiary as may be prescribed by law. But the Legislative Assembly may provide for the election of two Commissioners to sit with the County Judge whilst transacting county business in any or all the counties, or may provide a separate board for transacting such business.

SEC. 13. The County Judge may grant preliminary injunctions and such other writs as the Legislative Assembly may authorize him to grant, returnable to the Circuit Court, or otherwise, as may be provided by law; and may hear and decide questions arising upon habeas corpus; *Provided*, Such decision be not against the authority or proceedings of a Court or Judge of equal or higher jurisdiction.

SEC. 14. The counties having less than ten thousand white inhabitants shall be reimbursed, wholly or in part, for the salary and expenses of the County Court, by fees, percentage, and other equitable taxation of the business done in said Court, and in the office of the County Clerk.

SEC. 15. A County Clerk shall be elected in each county, for the term of two years, who shall keep all the public records, books and papers of the county, record conveyances, and perform the duties of clerk of the Circuit and County Courts, and such other duties as may be prescribed by law; but whenever the number of voters in any county shall exceed twelve hundred, the Legislative Assembly may authorize the election of one person as Clerk of the Circuit Court, one person as Clerk of the County Court, and one person Recorder of Conveyances.

SEC. 16. A Sheriff shall be elected in each county for the term of two years, who shall be the ministerial officer of the Circuit and County Courts, and shall perform such other duties as may be prescribed by law.

SEC. 17. There shall be elected by districts comprised of one or more counties, a sufficient number of prosecuting attorneys, who shall be the law officers of the State, and of the counties within their respective districts, and shall perform such duties pertaining to the administration of law and general police, as the Legislative Assembly may direct.

SEC. 18. The Legislative Assembly shall so provide that the most competent of the permanent citizens of the county shall be chosen for jurors; and out of the whole number in attendance at the Court, seven

shall be chosen by lot as Grand Jurors, five of whom must concur to find an indictment. But the Legislative Assembly may modify or abolish Grand Juries.

SEC. 19. Public officers shall not be impeached; but incompetency, corruption, malfeasance or delinquency in office may be tried in the same manner as criminal offences, and judgment may be given of dismissal from office, and such further punishment as may have been prescribed by law.

SEC. 20. The Governor may remove from office a Judge of the Supreme Court, or Prosecuting Attorney, upon the joint resolution of the Legislative Assembly, in which two-thirds of the members elected to each house shall concur, for incompetency, corruption, malfeasance or delinquency in office, or other sufficient cause stated in such resolution.

SEC. 21. Every Judge of the Supreme Court, before entering upon the duties of his office, shall take and subscribe, and transmit to the Secretary of State, the following oath:

"I ————————, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully and impartially discharge the duties of a Judge of the Supreme and Circuit Courts of said State, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected."

ARTICLE VIII.

Education and School Lands.

SECTION 1. The Governor shall be Superintendent of Public Instruction, and his powers and duties in that capacity shall be such as may be prescribed by law; but after the term of five years from the adoption of this Constitution, it shall be competent for the Legislative Assembly to provide by law for the election of a Superintendent, to provide for his compensation, and prescribe his powers and duties.

SEC. 2. The proceeds of all the lands which have been or hereafter may be granted to this State, for educational purposes, (excepting the lands heretofore granted to aid in the establishment of a university), all the moneys and clear proceeds of all property which may accrue to the State by escheat or forfeiture; all moneys which may be paid as exemption from military duty; the proceeds of all gifts, devises and bequests, made by any person to the State for common school purposes; the proceeds of all property granted to the State when the purposes of

such grant shall not be stated; all the proceeds of the five hundred thousand acres of land to which the State is entitled by the provisions of an Act of Congress, entitled "An Act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights, approved the 4th of September, 1841," and also the five per centum of the net proceeds of the sales of the public lands, to which this State shall become entitled on her admission into the Union (if Congress shall consent to such appropriation of the two grants last mentioned) shall be set apart as a separate and irreducible fund, to be called the Common School Fund, the interest of which, together with all other revenues derived from the school land mentioned in this section, shall be exclusively applied to the support and maintenance of common schools in each school district, and the purchase of suitable libraries and apparatus therefor.

SEC. 3. The Legislative Assembly shall provide by law for the establishment of a uniform and general system of common schools.

SEC. 4. Provision shall be made by law for the distribution of the income of the common school fund among the several counties of the State, in proportion to the number of children resident therein between the ages of four and twenty years.

SEC. 5. The Governor, Secretary of State, and State Treasurer shall constitute a Board of Commissioners for the sale of school and university lands, and for the investment of the funds arising therefrom, and their powers and duties shall be such as may be prescribed by law; *Provided*, That no part of the university funds, or of the interest arising therefrom, shall be expended until the period of ten years from the adoption of this Constitution, unless the same shall be otherwise disposed of by the consent of Congress for common school purposes.

ARTICLE IX.

Finance.

SECTION 1. The Legislative Assembly shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious, or charitable purposes as may be specially exempted by law.

SEC. 2. The Legislative Assembly shall provide for raising revenue sufficient to defray the expenses of the State for each fiscal year, and

also a sufficient sum to pay the interest on the State debt, if there be any.

SEC. 3. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

SEC. 4. No money shall be drawn from the treasury but in pursuance of appropriations made by law.

SEC. 5. An accurate statement of the receipts and expenditures of the public money shall be published with the laws of each regular session of the Legislative Assembly.

SEC. 6. Whenever the expenses of any fiscal year shall exceed the income, the Legislative Assembly shall provide for levying a tax for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expense of the ensuing fiscal year.

SEC. 7. Laws making appropriations for the salaries of public officers and other current expenses of the State, shall contain provisions upon no other subject.

SEC. 8. All stationery required for the use of the State shall be furnished by the lowest responsible bidder, under such regulations as may be prescribed by law. But no State officer, or member of the Legislative Assembly shall be interested in any bid or contract for furnishing such stationery.

ARTICLE X.

Militia.

SECTION 1. The militia of this State shall consist of all able-bodied male citizens between the ages of eighteen and forty-five years, except such persons as now are or hereafter may be exempted by the laws of the United States or of this State.

SEC. 2. Persons whose religious tenets or conscientious scruples forbid them to bear arms, shall not be compelled to do so in time of peace, but shall pay an equivalent for personal service.

SEC. 3. The Governor shall appoint the Adjutant General and the other chief officers of the general staff, and his own staff; and all officers of the line shall be elected by the persons subject to military duty in their respective districts.

SEC. 4. The Majors General, Brigadiers General, Colonels, or Commandants of regiments, battalions or squadrons, shall severally appoint their staff officers, and the Governor shall commission all officers of the line and staff ranking as such.

SEC. 5. The Legislative Assembly shall fix by law the method of dividing the militia into divisions, brigades, regiments, battalions and companies, and make all other needful rules and regulations in such manner as they may deem expedient, not incompatible with the Constitution or laws of the United States, or of the Constitution of this State, and shall fix the rank of all staff officers.

ARTICLE XI.

Corporations and Internal Improvements.

SECTION 1. The Legislative Assembly shall not have the power to establish or incorporate any bank or banking company, or moneyed institution whatever; nor shall any bank, company or institution exist in the State with the privilege of making, issuing or putting into circulation any bill, check, certificate, promissory note or other paper, or the paper of any bank, company or person to circulate as money.

SEC. 2. Corporations may be formed under general laws, but shall not be created by special laws except for municipal purposes. All laws passed pursuant to this section may be altered, amended or repealed, but not so as to impair or destroy any vested corporate rights.

SEC. 3. The stockholders of all corporations and joint stock companies shall be liable for the indebtedness of said corporation to the amount of their stock subscribed and unpaid, and no more.

SEC. 4. No person's property shall be taken by any corporation, under authority of law, without compensation being first made or secured in such manner as may be prescribed by law.

SEC. 5. Acts of the Legislative Assembly incorporating towns and cities shall restrict their powers of taxation, borrowing money, contracting debts and loaning their credit.

SEC. 6. The State shall not subscribe to or be interested in the stock of any company, association or corporation.

SEC. 7. The Legislative Assembly shall not loan the credit of the State, nor in any manner create any debt or liabilities which shall singly or in the aggregate, with previous debts or liabilities, exceed the sum of fifty thousand dollars, except in case of war, or to repel invasion or suppress insurrection; and every contract of indebtedness entered into or assumed by or on behalf of this State, when all its liabilities and debts amount to said sum, shall be void and of no effect.

SEC. 8. The State shall never assume the debts of any county, town or other corporation whatever, unless such debts shall have been created to repel invasion, suppress insurrection or defend the State in war.

SEC. 9. No county, city, town or other municipal corporation, by a vote of its citizens, or otherwise, shall become a stockholder in any joint stock company, corporation or association whatever, or raise money for or loan its credit to or in aid of any such company, corporation or association.

SEC. 10. No county shall create any debts or liabilities which shall singly or in the aggregate exceed the sum of five thousand dollars, except to suppress insurrection or repel invasion; but the debts of any county, at the time this Constitution takes effect, shall be disregarded in estimating the sum to which such county is limited.

ARTICLE XII

State Printer.

SECTION 1. There shall be elected by the qualified electors of the State, at the times and places of choosing members of the Legislative Assembly, a State Printer, who shall hold his office for the term of four years. He shall perform all the public printing for the State, which may be provided by law. The rates to be paid to him for such printing shall be fixed by law, and shall neither be increased nor diminished during the term for which he shall have been elected. He shall give such security for the performance of his duties as the Legislative Assembly may provide.

ARTICLE XIII.

Salaries.

SECTION 1. The Governor shall receive an annual salary of fifteen hundred dollars. The Secretary of State shall receive an annual salary of fifteen hundred dollars. The Treasurer of State shall receive an annual salary of eight hundred dollars. The Judges of the Supreme Court shall each receive an annual salary of two thousand dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their respective offices; and the compensation of officers, if not fixed by this Constitution, shall be provided by law.

ARTICLE XIV.

Seat of Government.

SECTION 1. The Legislative Assembly shall not have power to establish a permanent seat of government for this State. But at the first regular session after the adoption of this Constitution, the Legislative Assembly shall provide by law for the submission to the electors of this State at the next general election thereafter, the matter of the selection of a place for a permanent seat of government; and no place shall ever be the seat of government under such law, which shall not receive a majority of all the votes cast on the matter of such election.

SEC. 2. No tax shall be levied, or money of the State expended, or debt contracted for the erection of a State House prior to the year eighteen hundred and sixty-five.

SEC. 3. The seat of government, when established, as provided in section one, shall not be removed for the term of twenty years from the time of such establishment; nor in any other manner than as provided in the first section of this article; *Provided*, That all the public institutions of the State hereafter provided for by the Legislative Assembly, shall be located at the seat of government.

ARTICLE XV.

Miscellaneous.

SECTION 1. All officers except members of the Legislative Assembly shall hold their offices until their successors are elected and qualified.

SEC. 2. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the Legislative Assembly shall not create any office the tenure of which shall be longer than four years.

SEC. 3. Every person elected or appointed to any office under this Constitution shall, before entering on the duties thereof, take an oath or affirmation to support the Constitution of the United States and of this State, and also an oath of office.

SEC. 4. Lotteries, and the sale of lottery tickets, for any purpose whatever, are prohibited, and the Legislative Assembly shall prevent the same by penal laws.

SEC. 5. The property and pecuniary rights of every married woman at the time of marriage, or afterwards acquired by gift, devise or inheritance, shall not be subject to the debts or contracts of the husband; and laws shall be passed providing for the registration of the wife's separate property.

SEC. 6. No county shall be reduced to an area of less than four hundred square miles; nor shall any new county be established in this State containing a less area, nor unless such new county shall contain a population of at least twelve hundred inhabitants.

SEC. 7. No State officers or members of the Legislative Assembly shall directly or indirectly receive a fee, or be engaged as counsel, agent or attorney in the prosecution of any claim against this State.

SEC. 8. No Chinaman, not a resident of the State at the adoption of this Constitution, shall ever hold any real estate or mining claim, or work any mining claim therein.

The Legislative Assembly shall provide by law in the most effectual manner for carrying out the above provisions.

ARTICLE XVI.

Boundaries.

SECTION 1. In order that the boundaries of the State may be known and established, it is hereby ordained and declared that the State of Oregon shall be bounded as follows, to-wit:

Beginning one marine league at sea, due west from the point where the forty-second parallel of north latitude intersects the same; thence northerly at the same distance from the line of the coast lying west and opposite the State, including all islands within the jurisdiction of the United States, to a point due west and opposite the middle of the north ship channel of the Columbia river; thence easterly to and up the middle channel of said river, and when it is divided by islands, up the middle of the widest channel thereof, and in like manner up the middle of the main channel of Snake river to the mouth of the Owyhee river; thence due south to the parrallel of latitude forty-two degrees north; thence west along said parallel to the place of beginning, including jurisdiction in civil and criminal cases upon the Columbia river and Snake river; concurrently with States and Territories of which those rivers form a boundary in common with this State. But the Congress of the United States, in providing for the admission of this State into the Union, may make the said northern boundary conform to the act creating the Territory of Washington.

ARTICLE XVII.

Amendments.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either branch of the Legislative Assembly, and if the same shall be agreed to by a majority of all the members elected to each of the two Houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and referred to the Legislative Assembly to be chosen at the next general election; and if, in the Legislative Assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the Legislative Assembly to submit such amendment or amendments to the electors of the State, and cause the same to be published without delay at least four consecutive weeks in several newspapers published in this State; and if a majority of said electors shall ratify the same, such amendment or amendments shall become a part of this Constitution.

SEC. 2. If two or more amendments shall be submitted in such manner, that the electors shall vote for or against each of such amendments separately; and while an amendment or amendments which shall have been agreed upon by one Legislative Assembly shall be awaiting the action of a Legislative Assembly, or of the electors, no additional amendment or amendments shall be proposed.

ARTICLE XVIII.

Schedule.

SECTION 1. For the purpose of taking the vote of the electors of the State for the acceptance or rejection of this Constitution, an election shall be held on the second Monday of November, in the year 1857, to be conducted according to existing laws regulating the election of Delegate in Congress, so far as applicable, except as herein otherwise provided.

SEC. 2. Each elector who offers to vote upon this Constitution shall be asked by the Judges of election this question:

Do you vote for the Constitution—yes or no?

And also this question:

Do you vote for slavery in Oregon—yes or no?

And also this question:

Do you vote for free negroes in Oregon—yes or no?

And in the poll books shall be columns headed respectively, "Constitution, yes;" "Constitution, no;" "free negroes, yes;" "free negroes, no;" slavery, yes;" "slavery, no."

And the names of the electors shall be entered in the poll books, together with their answers to the said questions, under their appropriate heads. The abstracts of the votes transmitted to the Secretary of the Territory shall be publicly opened and canvassed by the Governor and Secretary, or by either of them in the absence of the other; and the Governor, or in his absence, the Secretary, shall forthwith issue his proclamation, and publish the same in the several newspapers printed in this State, declaring the result of the said election upon each of said questions.

SEC. 3. If a majority of all the votes given for and against the Constitution shall be given for the Constitution, then this Constitution shall be deemed to be approved and accepted by the electors of the State, and shall take effect accordingly; and if a majority of such votes shall be given against the Constitution, then this Constitution shall be deemed to be rejected by the electors of the State, and shall be void.

SEC. 4. If this Constitution shall be accepted by the electors, and a majority of all the votes given for and against slavery shall be given for slavery, then the following section shall be added to the bill of rights and shall be part of this Constitution:

"Section —. Persons lawfully held as slaves in any State, Territory or district of the United States, under the laws thereof, may be brought into this State; and such slaves and their descendants may be held as slaves within this State and shall not be emancipated without the consent of their owners."

And if a majority of such votes shall be given against slavery, then the foregoing section shall not, but the following section shall be added to the bill of rights, and shall be a part of this Constitution:

"Section —. There shall be neither slavery nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted."

And if a majority of all the votes given for and against free negroes shall be given against free negroes, then the following section shall be added to the bill of rights, and shall be a part of this Constitution:

"Section —. No free negro or mulatto, not residing in this State at the time of the adoption of this Constitution, shall come, reside, or be within this State, or hold any real estate, or make any contracts, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws for the removal by public officers of all such negroes and mulattoes, and for their effectual exclusion from the State, and for the

punishment of persons who shall bring them into the State, or employ or harbor them."

SEC. 5. Until an enumeration of the white inhabitants of the State shall be made, and the Senators and Representatives apportioned as directed in the Constitution, the county of Marion shall have two Senators and four Representatives; Linn, two Senators and four Representatives; Lane, two Senators and three Representatives; Clackamas and Wasco, one Senator jointly, and Clackamas three Representatives, and Wasco, one Representative; Yamhill, one Senator and two Representatives; Polk, one Senator and two Representatives; Benton, one Senator and two Representatives; Multnomah, one Senator and two Representatives; Washington, Columbia, Clatsop and Tillamook, one Senator jointly, and Washington one Representative, and Washington and Columbia one Representative jointly; and Clatsop and Tillamook one Representative jointly, Douglas, one Senator and two Representatives; Jackson, one Senator and three Representatives; Josephine, one Senator and one Representative; Umpqua, Coos and Curry, one Senator jointly, and Umpqua one Representative, and Coos and Curry one Representative jointly.

SEC. 6. If this Constitution shall be ratified, an election shall be held on the first Monday in June, 1858, for the election of members of the Legislative Assembly, a Representative in Congress, and State and county officers; and the Legislative Assembly shall convene at the Capital on the first Monday of July, 1858, and proceed to elect two Senators in Congress, and make such further provision as may be necessary to the complete organization of a State government.

SEC. 7. All laws in force in the Territory of Oregon when this Constitution takes effect, and consistent therewith, shall continue in force until altered or repealed.

SEC. 8. All officers of the Territory of Oregon, or under its laws when this Constitution takes effect, shall continue in office until superseded by the State authorities.

SEC. 9. Crimes and misdemeanors committed against the Territory of Oregon shall be punished by the State as they might have been punished by the Territory if the change of government had not been made.

SEC. 10. All property and rights of the Territory and of the several counties, subdivisions and political bodies corporate of or in the Territory, including fines, penalties, forfeitures, debts and claims of whatsoever nature, and recognizances, obligations, and undertakings to or for the use of the Territory or any county, political corporation, office or otherwise, to or for the public, shall enure to the State, or remain to the county, local division, corporation, officer or public, as if the change of government had not been made; and private rights shall not be affected by such change.

SEC. 11. Until otherwise provided by law, the Judicial Districts of the State shall be constituted as follows: The counties of Jackson, Josephine and Douglas shall constitute the First District; the counties Umpqua, Coos and Curry, Lane and Benton shall constitute the Second District; the counties of Linn, Marion, Polk, Yamhill and Washington shall constitute the Third District; the counties of Clackamas Multnomah, Wasco, Columbia, Clatsop and Tillamook shall constitute the Fourth District; and the county of Tillamook shall be attached to the county of Clatsop for judicial purposes.

Done in convention at Salem, the eighteenth day of September, in the year of our Lord one thousand eight hundred and fifty-seven, and of the independence of the United States the eighty-second.

MATTHEW P. DEADY, *President.*

CHESTER N. TERRY, *Secretary.*

Benton County.

HENRY B. NICHOLS, HAMAN C. LEWIS,
WM. MATZGER, JOHN KELSEY.

Clackamas County.

J. K. KELLY, HECTOR CAMPBELL,
A. L. LOVEJOY, NATHANIEL ROBBINS,
WM. A. STARKWEATHER.

Clatsop County.

CYRUS OLNEY.

Curry County.

WM. H. PACKWOOD.

Columbia County.

JOHN W. WATTS.

Coos County.

PERRY B. MARPLE.

Douglas County.

MATTHEW P. DEADY, SOLOMAN FITZHUGH,
S. F. CHADWICK, THOMAS WHITTED.

Jackson County.

L. J. C. DUNCAN,
JOHN H. REED,
DANIEL NEWCOMB,
P. P. PRIM.

Josephine County.

S. B. HENDERSHOTT,
WM. H. WATKINS.

Linn County.

DELAZON SMITH,
LUTHER ELKINS,
REUBEN S. COYLE,
JOHN T. BROOKS,
JAMES SHIELDS,
J. H. BRATTAIN.

Lane County.

PAUL BRATTAIN,
I. R. MOORES,
A. J. CAMPBELL,
JESSE COX,
W. W. BRISTOW,
E. HOULT.

Marion County.

L. F. GROVER,
GEO. H. WILLIAMS,
DAVIS SHANNON,
JOSEPH COX,
RICHARD MILLER,
JOHN C PEEBLES,
NICHOLAS SHRUM.

Multnomah County.

S. J. McCORMICK,
DAVID LOGAN,
WM. H. FARRAR.

Multnomah and Washington.

THOS. J. DRYER.

Polk County.

REUBEN P. BOISE,
BENJ. F. BURCH,
F. WAYMIRE.

Polk and Tillamook.

A. D. BABCOCK.

Umpqua County.

JESSE APPLEGATE, LEVI SCOTT,

Washington County.

E. D. SHATTUCK, JOHN S. WHITE,
LEVI ANDERSON.

Wasco County.

C. R. MEIGS.

Yamhill County.

J. R. McBRIDE, R. C. KINNEY,
R. V. SHORT, W. OLDS.

PROCLAMATION

DECLARING THE RESULT OF THE ELECTION FOR AND AGAINST THE CONSTITUTION.

WHEREAS, The people of the Territory of Oregon, through their Delegates in Congress assembled, prepared a Constitution for their government under a State organization, and submitted the same, with certain propositions, to be approved and determined at an election which was held in the said Territory on the ninth day of November, A. D. 1857, in conformity to the provisions made by said Convention of Delegates; and

Whereas, It was provided further by said Convention of Delegates, that the result of said election should be announced by executive proclamation:

Therefore, to that end, it is hereby declared and made known, that at the said election, held on the ninth day of November, A. D. 1857, there were seven thousand one hundred and ninety-five votes given for the adoption of the said Constitution, and three thousand one hundred and ninty-five votes against its adoption. There were two thousand six hundred and forty-five votes given in favor of slavery, and seven thousand seven hundred and twenty-seven votes against slavery; and there were given one thousand and eighty-one votes in favor of permitting the residence of free negroes, and eight thousand six hundred and forty votes against the same.

IN TESTIMONY WHEREOF, I have hereunto set my official signature, and caused the seal of the Territory to be affixed, at Salem, this fourteenth day of December, A. D. 1857.

{L. S}

GEORGE L. CURRRY.

By the Governor.

B. F. HARDING, Secretary.

December 9th, 1857.